

HOUSE BILL No. 1015(ss)

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-40; IC 3-10; IC 3-11; IC 6-1.1; IC 12-20-1; IC 13-25-6; IC 15-16; IC 16-31-5-1; IC 16-41-19-7; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 32-26; IC 34-30-2-58; IC 36-1-8-17; IC 36-2; IC 36-5-1-3; IC 36-6; IC 36-8; IC 36-9; IC 36-10; IC 36-12; IC 36-6-1.5; IC 36-6-1.6; IC 36-6-2.1; IC 36-12-1-13; IC 36-12-5.

Synopsis: Elimination of townships outside Marion County. Abolishes, effective January 1, 2011, the offices of township trustee and township board, and transfers all township duties and responsibilities, including township assistance, fire protection, cemetery maintenance, weed control, and parks and recreation, to the county. Abolishes, effective January 1, 2011, the office of township assessor, and transfers the duties and responsibilities of the township assessor to the county assessor. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, personnel, records, rights, contracts (including labor contracts), and indebtedness. Requires the department of local government finance (DLGF) to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations. Provides that the county assessor is a nonvoting member of the property tax assessment board of appeals.

Effective: July 1, 2009; January 1, 2011; July 1, 2011.

Stevenson

June 23, 2009, read first time and referred to Committee on Rules and Legislative Procedures.



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Introduced

Special Session 116th General Assembly (2009)(ss)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1015

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-40 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 40. "Precinct" means:

3 **(1) before January 1, 2011**, a subdivision of a county or
4 township established for election purposes; **and**

5 **(2) after December 31, 2010:**

6 **(A) in a county having a consolidated city, a subdivision of**
7 **the county or township established for election purposes;**
8 **and**

9 **(B) in a county not having a consolidated city, a subdivision**
10 **of the county established for election purposes.**

11 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be
14 printed in substantially the following form for all the offices for which
15 candidates have qualified under IC 3-8:

16 OFFICIAL PRIMARY BALLOT

17 _____ Party

2009(ss)

IN 1015—LS 6009/DI 87+



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For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

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- 1 (D) County sheriff.
 2 (E) County coroner.
 3 (F) County surveyor.
 4 (G) County assessor.
 5 (H) County commissioner.
 6 (I) County council member.
 7 (5) Township offices:
 8 (A) Township assessor (only in a township referred to in
 9 IC 36-6-5-1(d)). **This clause does not apply to elections in**
 10 **2010 and thereafter.**
 11 (B) Township trustee. **This clause does not apply to elections**
 12 **in 2010 and thereafter in a county not having a**
 13 **consolidated city.**
 14 (C) Township board member. **This clause does not apply to**
 15 **elections in 2010 and thereafter in a county not having a**
 16 **consolidated city.**
 17 (D) Judge of the small claims court.
 18 (E) Constable of the small claims court.
 19 (6) City offices:
 20 (A) Mayor.
 21 (B) Clerk or clerk-treasurer.
 22 (C) Judge of the city court.
 23 (D) City-county council member or common council member.
 24 (7) Town offices:
 25 (A) Clerk-treasurer.
 26 (B) Judge of the town court.
 27 (C) Town council member.
 28 (c) The political party offices with candidates for election shall be
 29 placed on the primary election ballot in the following order after the
 30 offices described in subsection (b):
 31 (1) Precinct committeeman.
 32 (2) State convention delegate.
 33 (d) The following offices and public questions shall be placed on the
 34 primary election ballot in the following order after the offices described
 35 in subsection (c):
 36 (1) School board offices to be elected at the primary election.
 37 (2) Other local offices to be elected at the primary election.
 38 (3) Local public questions.
 39 (e) The offices and public questions described in subsection (d)
 40 shall be placed:
 41 (1) in a separate column on the ballot if voting is by paper ballot;
 42 (2) after the offices described in subsection (c) in the form

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specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 3. IC 3-10-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 29. The canvass of votes cast in a primary election shall, as far as applicable, be made in the same manner and by the same officers as the canvass at a general election. The tally sheet upon which the count has been entered shall be included in the returns of the election. Each precinct election board shall, on blanks provided for that purpose, make full and accurate returns of the votes cast for each candidate and on each public question unless votes were cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The board shall set forth in the return, opposite the name of each candidate and public question, the number of votes cast for the candidate and for or against each public question. The tabular statement must contain the following information, with the names of candidates and public questions arranged in the order in which they appear upon the official ballot:

(1) The name of the precinct.

(2) The name of the township (or ward). **After December 31, 2010, this subdivision applies only to a county having a consolidated city.**

(3) The name of the county.

(4) The name of the party of the candidates for Representative in Congress.

SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

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- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee. **This subdivision does not apply to elections in 2010 and thereafter in a county not having a consolidated city.**
- (12) Township board member. **This subdivision does not apply to elections in 2010 and thereafter in a county not having a consolidated city.**
- (13) Township assessor (only in a township referred to in IC 36-6-5-1(d)). **This subdivision does not apply to elections in 2010 and thereafter.**
- (14) Judge of a small claims court.
- (15) Constable of a small claims court.

SECTION 5. IC 3-11-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. A county executive shall establish precincts so that each boundary of each precinct does not cross the boundary of **any of the following**:

- (1) The state.
- (2) A county.
- ~~(3) a township;~~
- ~~(4)~~ (3) A district of the House of Representatives of the Congress of the United States.
- ~~(5)~~ (4) A district of the senate of the general assembly. ~~or~~
- ~~(6)~~ (5) A district of the house of representatives of the general assembly.
- (6) In a county having a consolidated city, a township.**

SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.

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- 1 (E) Auditor of state.
- 2 (F) Treasurer of state.
- 3 (G) Attorney general.
- 4 (H) Superintendent of public instruction.
- 5 (I) United States Representative.
- 6 (2) Legislative offices:
- 7 (A) State senator.
- 8 (B) State representative.
- 9 (3) Circuit offices and county judicial offices:
- 10 (A) Judge of the circuit court, and unless otherwise specified
- 11 under IC 33, with each division separate if there is more than
- 12 one (1) judge of the circuit court.
- 13 (B) Judge of the superior court, and unless otherwise specified
- 14 under IC 33, with each division separate if there is more than
- 15 one (1) judge of the superior court.
- 16 (C) Judge of the probate court.
- 17 (D) Judge of the county court, with each division separate, as
- 18 required by IC 33-30-3-3.
- 19 (E) Prosecuting attorney.
- 20 (F) Clerk of the circuit court.
- 21 (4) County offices:
- 22 (A) County auditor.
- 23 (B) County recorder.
- 24 (C) County treasurer.
- 25 (D) County sheriff.
- 26 (E) County coroner.
- 27 (F) County surveyor.
- 28 (G) County assessor.
- 29 (H) County commissioner.
- 30 (I) County council member.
- 31 (5) Township offices:
- 32 (A) Township assessor (only in a township referred to in
- 33 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 34 **2010 and thereafter.**
- 35 (B) Township trustee. **This clause does not apply to elections**
- 36 **in 2010 and thereafter in a county not having a**
- 37 **consolidated city.**
- 38 (C) Township board member. **This clause does not apply to**
- 39 **elections in 2010 and thereafter in a county not having a**
- 40 **consolidated city.**
- 41 (D) Judge of the small claims court.
- 42 (E) Constable of the small claims court.

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(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

SECTION 7. IC 3-11-8-3, AS AMENDED BY P.L.230-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

(b) If an accessible facility is not available within the precinct, then the polls may be located in another precinct in the county if the polls are:

(1) ~~either:~~

- ~~(A) not more than five (5) miles from the closest boundary of the precinct for which it is the polls; or~~
- ~~(B) located in the same township as the precinct that does not have an accessible facility available; and~~

(2) located in an accessible facility.

(c) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (b), the board may locate the polls in the most convenient available accessible facility in the county.

(d) If the county election board, by unanimous vote of its entire membership, determines that:

- (1) an accessible facility is not available under subsection (b) or (c); and
- (2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision (2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

SECTION 8. IC 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A party to a conveyance who:

(1) either:

- (A) files a sales disclosure form that does not contain all of the information required by this chapter; or

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1 (B) files a sales disclosure form that contains inaccurate
 2 information;
 3 and receives from the ~~township assessor (in a county containing~~
 4 ~~a consolidated city) or the county assessor (in any other county)~~
 5 written notice of the problems described in clause (A) or (B); and
 6 (2) fails to file a correct sales disclosure form that fully complies
 7 with all requirements of this chapter within thirty (30) days after
 8 the date of the notice under subdivision (1);
 9 is subject to a penalty in the amount determined under subsection (b).
 10 (b) The amount of the penalty under subsection (a) is the greater of:
 11 (1) one hundred dollars (\$100); or
 12 (2) twenty-five thousandths percent (0.025%) of the sale price of
 13 the real property transferred under the conveyance document.
 14 (c) The ~~township assessor in a county containing a consolidated city,~~
 15 ~~or the county assessor in any other county,~~ shall:
 16 (1) determine the penalty imposed under this section;
 17 (2) assess the penalty to the party to a conveyance; and
 18 (3) notify the party to the conveyance that the penalty is payable
 19 not later than thirty (30) days after notice of the assessment.
 20 (d) The county auditor shall:
 21 (1) collect the penalty imposed under this section;
 22 (2) deposit penalty collections as required under section 4 of this
 23 chapter; and
 24 (3) notify the county prosecuting attorney of delinquent payments.
 25 (e) The county prosecuting attorney shall initiate an action to
 26 recover a delinquent penalty under this section. In a successful action
 27 against a person for a delinquent penalty, the court shall award the
 28 county prosecuting attorney reasonable attorney's fees.
 29 SECTION 9. IC 6-1.1-11-4 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The exemption
 31 application referred to in section 3 of this chapter is not required if the
 32 exempt property is owned by the United States, the state, an agency of
 33 this state, or a political subdivision (as defined in IC 36-1-2-13).
 34 However, this subsection applies only when the property is used, and
 35 in the case of real property occupied, by the owner.
 36 (b) The exemption application referred to in section 3 of this chapter
 37 is not required if the exempt property is a cemetery:
 38 (1) described by IC 6-1.1-2-7; or
 39 (2) maintained by a township executive **or (after December 31,**
 40 **2010) the county official** under IC 23-14-68.
 41 (c) The exemption application referred to in section 3 of this chapter
 42 is not required if the exempt property is owned by the bureau of motor

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vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21; or

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; and

(2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, this subsection does not apply.

SECTION 10. IC 6-1.1-17-3, AS AMENDED BY P.L.87-2009, SECTION 6, AND AS AMENDED BY P.L.136-2009, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. *A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.*

(b) Beginning in 2010, except as provided in IC 6-1.1-22-8.1(h), before October 1 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as

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shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(c) (before July 1, 2008) or IC 6-1.1-15-1 (after June 30, 2008);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

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~~(2) provide assistance to county auditors in preparing statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).~~

~~(d)~~ (b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(e)~~ (c) **After December 31, 2010, this subsection applies only to a township in a county having a consolidated city.** The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(f)~~ (d) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

(e) This subsection applies to budgets for calendar years after 2010 and to taxes first due and payable after 2011 for a county not having a consolidated city. In 2010 and each year thereafter, the county administrator for township assistance shall estimate the amount necessary to meet the cost of township assistance in the county for the ensuing calendar year. The county fiscal body shall adopt with the county budget a tax rate uniform throughout the county sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this

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subsection shall be credited to the county assistance fund established under IC 12-20-1-6.

SECTION 11. IC 6-1.1-18.5-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10.4. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a township or a fire protection district under IC 36-8-14 **or to ad valorem property taxes imposed by a county under IC 36-8-13.6.**

(b) For purposes of computing the ad valorem property tax levy limit imposed on a township or a fire protection district under section 3 of this chapter, the township's, **the county's**, or the fire protection district's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-14 **or IC 36-8-13.6.**

SECTION 12. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 18.5. The maximum permissible ad valorem property tax levy for the county's firefighting fund under IC 36-8-13.6-3 for property taxes first due and payable after December 31, 2010, is the amount determined in STEP TWO of the following STEPS:**

STEP ONE: Determine:

(A) for ad valorem property taxes first due and payable in 2011, the maximum permissible ad valorem property tax levy for the county's firefighting fund determined in IC 36-6-1.1-6 for ad valorem property taxes first due and payable in 2011; or

(B) for ad valorem property taxes first due and payable after 2011, the maximum permissible ad valorem property tax levy for the county's firefighting fund determined under this section for ad valorem property taxes first due and payable in the immediately preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

SECTION 13. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 22. The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a county to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-6-1.1 after December 31, 2010.**

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SECTION 14. IC 6-1.1-28-1, AS AMENDED BY P.L.219-2007, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (d) and (e), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. If the county assessor is a certified level two or level three assessor-appraiser, the board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a voting member of the property tax assessment board of appeals. **After December 31, 2010, in a county not having a consolidated city, the county assessor is a nonvoting member of the property tax assessment board of appeals.** The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two or level three assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(b) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals may be of the same political

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party if it is necessary to waive the requirement due to the absence of certified level two or level three Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and
- (2) whose political party membership status would satisfy the requirement in subsection ~~(c)(1)~~: **(a)**.

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two or level three Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

(d) Except as provided in subsection (e), the term of a member of the county property tax assessment board of appeals appointed under subsection (a):

- (1) is one (1) year; and
- (2) begins January 1.

(e) If:

- (1) the term of a member of the county property tax assessment board of appeals appointed under subsection (a) expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

SECTION 15. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.146-2008, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor shall select the computer system.

(b) All information on a computer system referred to in subsection

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(a) shall be readily accessible to:

- (1) the department of local government finance; and
- (2) assessing officials.

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules before July 1, 2006, for the establishment of:

(1) a uniform and common property tax management system for all counties that:

- (A) includes a combined mass appraisal and county auditor system integrated with a county treasurer system; and
- (B) replaces the computer system referred to in subsection (a); and

(2) a schedule for implementation of the system referred to in subdivision (1) structured to result in the implementation of the system in all counties with respect to an assessment date:

- (A) determined by the department; and
- (B) specified in the rule.

(f) The department shall appoint an advisory committee to assist the department in the formulation of the rules referred to in subsection (e). The department shall determine the number of members of the committee. The committee:

(1) must include at least:

- (A) **before January 1, 2011**, one (1) township assessor;
- (B) one (1) county assessor;
- (C) one (1) county auditor; and
- (D) one (1) county treasurer; and

(2) shall meet at times and locations determined by the department.

(g) Each member of the committee appointed under subsection (f) who is not a state employee is not entitled to the minimum salary per

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diem provided by IC 4-10-11-2.1(b). The member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the committee appointed under subsection (f) who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The department shall report to the budget committee in writing the department's estimate of the cost of implementation of the system referred to in subsection (e).

SECTION 16. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5. (a) This section applies only to a county not having a consolidated city.**

(b) As used in this section, "administrator" means the administrator of township assistance for the county appointed under IC 36-2-2-14.5.

(c) Beginning January 1, 2011, the administrator shall administer township assistance in a county not having a consolidated city. The administrator shall administer assistance on a countywide basis instead of a township basis.

(d) The following apply to the administration of township assistance under subsection (c):

(1) A suit or proceeding in favor of or against the administrator concerning township assistance shall be conducted in favor of or against the county in the county's corporate name.

(2) The administrator is subject to the same privileges and immunities as are accorded to a township trustee under IC 12-20-3.

(3) The administrator shall propose uniform standards for the issuance of township assistance throughout the county and the processing of applications for township assistance that meet the requirements of IC 12-20-5.5. The standards are effective upon being adopted by the county legislative body and filed with the county executive.

(4) The administrator has the same powers in the

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administration of township assistance for the county as a township trustee has in the administration of township assistance for a township under IC 12-20-4, IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and IC 12-20-19.

(5) The same standards and requirements that:

(A) apply to; or

(B) may be imposed upon;

recipients of and applicants for township assistance under IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10, IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be imposed upon recipients of and applicants for township assistance administered by the administrator.

(6) The administrator may assert a claim against the estate of an individual who received township assistance from the county to the same extent as a township trustee may assert a claim under IC 12-20-27 against the estate of an individual who received township assistance from a township.

(7) The administrator is subject to the same reporting requirements with respect to township assistance administered on a countywide basis as a township trustee is subject to under IC 12-20-28 with respect to township assistance administered on a township basis.

(8) State and local agencies shall provide the administrator with the information provided to a township trustee under IC 12-20-7. The administrator or an employee of the county is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.

(9) An applicant for township assistance and the administrator may appeal a decision regarding township assistance in the same manner that an appeal is taken under IC 12-20-15.

(e) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on December 31, 2010, shall be treated as a new application filed with the county on January 1, 2011. The administrator shall make a decision on the application in accordance with the uniform standards adopted under subsection (d)(3).

(f) Any application for township assistance that has been granted before January 1, 2011, but for which assistance has not been disbursed by the township, shall be disbursed and

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1 administered by the administrator in accordance with the
2 township's grant of township assistance.

3 SECTION 17. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2011]: **Sec. 6. (a) This section applies only to a county
6 not having a consolidated city.**

7 **(b) The county shall establish a county assistance fund.**

8 **(c) The fund shall be raised by a tax levy that:**

9 **(1) is in addition to all other tax levies authorized; and**

10 **(2) shall be levied annually by the county fiscal body on all**
11 **taxable property in the county in the amount necessary to pay**
12 **the items, awards, claims, allowances, assistance, and other**
13 **expenses set forth in the annual township assistance budget**
14 **for the county.**

15 **(d) The tax imposed under this section shall be collected as other**
16 **state and county ad valorem taxes are collected.**

17 **(e) The following shall be paid into the fund:**

18 **(1) All receipts from the tax imposed under this section.**

19 **(2) Any other money required by law to be placed in the fund.**

20 **(f) The fund is available to pay expenses and obligations set**
21 **forth in the annual budget.**

22 **(g) Money in the fund at the end of a budget year does not**
23 **revert to the county general fund.**

24 SECTION 18. IC 13-25-6-3 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3. (a) Reimbursement**
26 **is available under this chapter for expenses, except for expenses of a**
27 **type that the agency normally incurs in responding to emergencies that**
28 **do not involve hazardous materials, that are incurred in taking**
29 **emergency action by an emergency response agency other than a fire**
30 **department that is described in subsection (b).**

31 **(b) Reimbursement is available under this chapter and IC 36-8-12.2**
32 **for expenses that are incurred in taking emergency action by a fire**
33 **department that:**

34 **(1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), or**
35 **(after December 31, 2010) IC 36-8-13.6; and**

36 **(2) employs:**

37 **(A) both full-time paid members and volunteer members; or**

38 **(B) only full-time paid members.**

39 SECTION 19. IC 13-25-6-5 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5. An emergency**
41 **response agency or a governmental entity may obtain reimbursement**
42 **under this chapter by filing an action for reimbursement in a court of**

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general jurisdiction of:

- (1) a county in which a hazardous materials emergency arose; or
- (2) the county in which the unit that established the fire department is located, if the emergency response agency is a fire department that:

- (A) is established by a unit under IC 36-8-2-3, or IC 36-8-13-3(a)(1), or (after December 31, 2010) **IC 36-8-13.6**; and

- (B) employs:

- (i) both full-time paid members and volunteer members; or
- (ii) only full-time paid members.

SECTION 20. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

(A) A township trustee of a township in the county.

(B) **After December 31, 2010, in a county not having a consolidated city, the official responsible for the destruction of detrimental plants described in this chapter or the official's designee.**

(2) One (1) soil and water conservation district supervisor.

(3) One (1) representative from the agricultural community of the county.

(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 21. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2010, the powers and duties established by this chapter are conferred and imposed:**

(1) **in a county having a consolidated city, on the township trustee with respect to property in the township; and**

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(2) in all other counties, on the county with respect to property in the county.

SECTION 22. IC 15-16-8-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. As used in this chapter, "county official" means the elected or appointed official of a county not having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 23. IC 15-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "fund" means:**

(1) the township fund; or

(2) after December 31, 2010, the appropriate county fund in a county not having a consolidated city.

SECTION 24. IC 15-16-8-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) If a township trustee or (after December 31, 2010) the county official:**

(1) has reason to believe that detrimental plants may be on real estate; and

(2) gives the owner or person in possession of the real estate forty-eight (48) hours notice under subsection (e);

the township trustee **or (after December 31, 2010) the county official** may enter the real estate to investigate whether there are detrimental plants on the real estate.

(b) Except as provided in subsection (d), if the township trustee **or (after December 31, 2010) the county official** determines by:

(1) investigating real estate located in the trustee's township **or (after December 31, 2010) the county not having a consolidated city;** or

(2) visual inspection without entering real estate located in the trustee's township **or (after December 31, 2010) the county not having a consolidated city;**

that a person has detrimental plants growing on real estate, the trustee **or (after December 31, 2010) the county official** shall give written notice under subsection (e) to the owner or person in possession of the real estate to destroy the detrimental plants. The owner or person in possession of the real estate shall destroy the plants in a manner provided in section 3 of this chapter not more than five (5) days after the notice is received under subsection (f).

(c) If the detrimental plants are not destroyed as provided in

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subsubsection (b), the trustee shall cause the detrimental plants to be destroyed in a manner most practical to the trustee **or (after December 31, 2010) the county official** not more than eight (8) days after notice is received by the owner or person in possession of the real estate under subsection (f). The trustee **or (after December 31, 2010) the county official** may hire a person to destroy the detrimental plants. The trustee **or (after December 31, 2010) the county official** or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out the work, except for gross negligence or willful or wanton destruction.

(d) If the county has established a county weed control board under IC 15-16-7, the township trustee **or (after December 31, 2010) county official** may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee **or (after December 31, 2010) county official**. The county weed control board shall notify the township trustee **or (after December 31, 2010) county official** of the board's decision.

(e) Notice required in subsection (a) or (b) may be given by:

- (1) certified mail; or
- (2) personal service.

(f) Notice under subsection (e) is considered received by the owner or person in possession of the real estate:

- (1) if sent by mail, on the earlier of:
 - (A) the date of signature of receipt of the mailing; or
 - (B) three (3) business days after the date of mailing; or
- (2) if served personally, on the date of delivery.

SECTION 25. IC 15-16-8-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The township trustee **or (after December 31, 2010) county official** may pay the following costs incurred in cutting or destroying detrimental plants under this chapter:

- (1) Chemicals.
- (2) Work.
- (3) Labor, at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) If the trustee **or (after December 31, 2010) county official** believes the infestation of the real estate with detrimental plants is so great and widespread that cutting or eradication by hand methods is

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1 impractical, the trustee shall use the necessary power machinery or
 2 equipment. The trustee **or (after December 31, 2010) county official**
 3 may pay for the work at a rate per hour fixed by the township trustee **or**
 4 **(after December 31, 2010) county official** commensurate with the
 5 local hourly rate.

6 (c) When the work has been performed, the person doing the work
 7 shall file an itemized bill for the work in the office of the township
 8 trustee **or (after December 31, 2010) county official**. When the bill
 9 has been approved, the trustee shall pay the bill out of the township
 10 fund **or (after December 31, 2010) the county official shall pay the**
 11 **bill out of the appropriate county fund**. If there is no money
 12 available in the township fund for that purpose, the township board,
 13 upon finding an emergency exists, shall act under IC 36-6-6-14(b) or
 14 IC 36-6-6-15 to borrow money sufficient to meet the emergency. **After**
 15 **December 31, 2010, the county fiscal body shall act in the case of**
 16 **a county not having a consolidated city.**

17 (d) ~~The trustee, when submitting estimates to the township board~~
 18 **An estimate, when submitted to the township board or (after**
 19 **December 31, 2010) county fiscal body** for action, ~~shall~~ **must** include
 20 ~~in the estimates~~ an item sufficient to cover those expenditures.

21 SECTION 26. IC 15-16-8-6, AS ADDED BY P.L.2-2008,
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2009]: Sec. 6. (a) The township trustee **or (after December**
 24 **31, 2010) county official** shall prepare a statement that contains the
 25 following:

26 (1) A certification of the following costs:

27 (A) The cost or expense of the work.

28 (B) The cost of the chemicals.

29 (C) Twenty dollars (\$20) per day for each day that the trustee
 30 or the trustee's agent **or (after December 31, 2010) the**
 31 **county official or official's agent** supervises the performance
 32 of the services required under this chapter as compensation for
 33 services.

34 (2) A description of the real estate on which the labor was
 35 performed.

36 (3) A request that the owner or person in possession of the real
 37 estate pay the costs under subdivision (1) to the township trustee
 38 **or (after December 31, 2010) county official.**

39 (b) The certified statement prepared under subsection (a) shall be
 40 provided:

41 (1) to the owner or person possessing the real estate by:

42 (A) mail, using a certificate of mailing; or

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- 1 (B) personal service; or
 2 (2) by mailing the certified statement to the auditor of state for
 3 any real estate owned by the state or to the fiscal officer of
 4 another municipality (as defined in IC 5-11-1-16) for real estate
 5 owned by the municipality.

6 SECTION 27. IC 15-16-8-7, AS ADDED BY P.L.2-2008,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2009]: Sec. 7. (a) If the owner or person in possession of the
 9 property does not pay the amount set forth in the certified statement
 10 under section 6(a) of this chapter within ten (10) days after receiving
 11 the notice under section 6(b) of this chapter, the township trustee **or**
 12 **(after December 31, 2010) county official** shall file a copy of the
 13 certified statement in the office of the county auditor of the county
 14 where the real estate is located.

15 (b) The auditor shall place the amount claimed in the certified
 16 statement on the tax duplicate of the real estate. Except as provided in
 17 section 8 of this chapter, the amount claimed shall be collected as taxes
 18 are collected.

19 (c) After an amount described in subsection (b) is collected, the
 20 funds shall be deposited in the:

- 21 (1) trustee's township funds for use at the discretion of the trustee;
 22 **or**
 23 **(2) after December 31, 2010, in the case of a county not having**
 24 **a consolidated city, appropriate county fund.**

25 SECTION 28. IC 15-16-8-9, AS ADDED BY P.L.2-2008,
 26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2009]: Sec. 9. Except as provided in sections 5 through 8 of
 28 this chapter, the county auditor, upon receiving and filing a certified
 29 statement under section 7(a) of this chapter, shall:

- 30 (1) immediately place the amounts on the certified statement on
 31 the tax duplicate of the county; and
 32 (2) collect the amounts at the next tax paying time for the proper
 33 township or townships, **or (after December 31, 2010) a county**
 34 **not having a consolidated city**, the same as other state, county,
 35 or township taxes are collected, including penalties, forfeitures,
 36 and sales.

37 After the amounts are collected, the amounts shall be paid to the proper
 38 trustee and placed in the township fund **or (after December 31, 2010)**
 39 **in the case of a county not having a consolidated city, placed in the**
 40 **appropriate county fund.**

41 SECTION 29. IC 15-16-8-10, AS ADDED BY P.L.2-2008,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 10. **(a)** When the annual township budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustees** to comply with this chapter.

(b) After December 31, 2012, in a county not having a consolidated city, when the annual county budget is prepared, a sufficient amount shall be appropriated to enable the county executive to comply with this chapter.

SECTION 30. IC 15-16-8-12, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees **or (after December 31, 2010) the county official** for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or (after December 31, 2010) a county not having a consolidated city** shall assist the township trustee **or (after December 31, 2010) the county official** in carrying out the duties imposed on the trustee **or (after December 31, 2010) the county official** under this chapter.

SECTION 31. IC 15-16-8-14, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) A person who:

- (1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;
 - (2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate the plants by chemicals each year, as prescribed in this chapter;
 - (3) having charge of or control over any highway:
 - (A) knowingly allows detrimental plants to grow or mature on the right-of-way of the highway; or
 - (B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter;
 - (4) having charge of or control over the right-of-way of a railroad or interurban company:
 - (A) knowingly allows detrimental plants to grow and mature on the right-of-way; or
 - (B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter; or
 - (5) knowingly sells Canada thistle (*cirsium arvense*) seed;
- commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

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(b) All judgments collected under this section shall be:

(1) paid to the trustee and placed in the trustee's township funds for use at the discretion of the trustee; or

(2) **after December 31, 2010, placed in the appropriate county fund, in the case of property located in a county not having a consolidated city.**

SECTION 32. IC 16-31-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) After December 31, 2010, this section, to the extent it applies to townships, applies only to a township:**

(1) **in a county having a consolidated city; and**

(2) **that has not consolidated the township's fire department under IC 36-3-1-6.1.**

(b) The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:

(1) Establish, operate, and maintain emergency medical services.

(2) Levy taxes under and limited by IC 6-3.5 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.

(3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:

(A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and

(B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.

(6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

SECTION 33. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. **(a) After December 31, 2010,**

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1 in a county not having a consolidated city:

2 (1) the county has all the rights, duties, and responsibilities of
3 the township; and

4 (2) the administrator for township assistance has all the
5 rights, duties, and responsibilities of a township trustee;
6 under this section.

7 ~~(a)~~ (b) Except as provided in subsection ~~(b)~~; (c), all costs that are
8 incurred in furnishing biologicals under this chapter,
9 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

10 (1) the appropriate county, city, or town against which the
11 application form is issued from general funds; ~~and~~

12 (2) the appropriate township against which the application form
13 is issued from funds in the township assistance fund; **and**

14 (3) **after December 31, 2010, in the case of a county not having**
15 **a consolidated city, the appropriate county against which the**
16 **application form is issued from funds in the county assistance**
17 **fund established under IC 12-20-1-6;**

18 not otherwise appropriated without appropriations.

19 ~~(b)~~ (c) A township is not responsible for paying for biologicals as
20 provided in subsection ~~(a)~~(2) (b) if the township trustee has evidence
21 that the individual has the financial ability to pay for the biologicals.

22 ~~(c)~~ (d) After being presented with a legal claim for insulin being
23 furnished to the same individual a second time, a township trustee may
24 require the individual to complete and file a standard application for
25 township assistance in order to investigate the financial condition of the
26 individual claiming to be indigent. The trustee shall immediately notify
27 the individual's physician that:

28 (1) the financial ability of the individual claiming to be indigent
29 is in question; and

30 (2) a standard application for township assistance must be filed
31 with the township.

32 The township shall continue to furnish insulin under this section until
33 the township trustee completes an investigation and makes a
34 determination as to the individual's financial ability to pay for insulin.

35 ~~(d)~~ (e) For purposes of this section, the township shall consider an
36 adult individual needing insulin as an individual and not as a member
37 of a household requesting township assistance.

38 SECTION 34. IC 22-11-14-2, AS AMENDED BY P.L.187-2006,
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2009]: Sec. 2. (a) The fire prevention and building safety
41 commission shall:

42 (1) adopt rules under IC 4-22-2 for the granting of permits for

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supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and

(2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

(1) name a competent operator who is to officiate at the display;

(2) set forth a brief resume of the operator's experience;

(3) be made in writing; and

(4) be received with the applicable fee by the division of fire and building safety at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

(1) the chief of the fire department of the city or town in which the display is to be held; or

(2) the:

(A) township fire chief or the fire chief of the municipality nearest the site proposed, before January 1, 2011; or

(B) county fire chief, after December 31, 2010;

in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 35. IC 22-11-14-3.5, AS ADDED BY P.L.187-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. The fire prevention and building safety commission may adopt rules under IC 4-22-2 that specify the conditions under which the chief of a municipal ~~or~~ fire department, township fire department, **or (after December 31, 2010) county fire department** may grant a permit to a person to sponsor a special discharge location in the municipality, ~~or~~ township, **or (after December 31, 2010) county**.

SECTION 36. IC 22-12-1-18.7 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.7. "Qualified entity"
2 means:

- 3 (1) a volunteer fire department (as defined in IC 36-8-12-2);
4 (2) the executive of a township providing fire protection under
5 IC 36-8-13-3(a)(1); ~~or~~
6 (3) a municipality providing fire protection to a township under
7 IC 36-8-13-3(a)(2) or IC 36-8-13-3(a)(3); **or**
8 **(4) after December 31, 2010, the executive of a county**
9 **providing fire protection under IC 36-8-13.6.**

10 SECTION 37. IC 23-14-31-26, AS AMENDED BY P.L.143-2009,
11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2009]: Sec. 26. (a) Except as provided in subsection (c), the
13 following persons, in the priority listed, have the right to serve as an
14 authorizing agent:

- 15 (1) An individual granted the authority to serve in a funeral
16 planning declaration executed by the decedent under IC 29-2-19.
17 (2) An individual granted the authority to serve in a health care
18 power of attorney executed by the decedent under IC 30-5-5-16.
19 (3) The individual who was the spouse of the decedent at the time
20 of the decedent's death.
21 (4) The decedent's surviving adult children. If more than one (1)
22 adult child is surviving, any adult child who confirms in writing
23 that the other adult children have been notified, unless the
24 crematory authority receives a written objection to the cremation
25 from another adult child.
26 (5) The decedent's surviving parent. If the decedent is survived by
27 both parents, either parent may serve as the authorizing agent
28 unless the crematory authority receives a written objection to the
29 cremation from the other parent.
30 (6) The individual in the next degree of kinship under IC 29-1-2-1
31 to inherit the estate of the decedent. If more than one (1)
32 individual of the same degree is surviving, any person of that
33 degree may serve as the authorizing agent unless the crematory
34 authority receives a written objection to the cremation from one
35 (1) or more persons of the same degree.
36 (7) In the case of an indigent or other individual whose final
37 disposition is the responsibility of the state, ~~or~~ township, **or**
38 **county (after December 31, 2010),** the following may serve as
39 the authorizing agent:
40 (A) If none of the persons identified in subdivisions (1)
41 through (6) are available:
42 (i) a public administrator, including a responsible township

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trustee or the trustee's designee **or an administrator appointed under IC 36-2-2-14.5 (after December 31, 2010);** or

(ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

(8) In the absence of any person under subdivisions (1) through (7), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

SECTION 38. IC 23-14-33-7.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7.6. "Cemetery fund" means:**

(1) the township fund; or

(2) after December 31, 2010, the cemetery fund for a county not having a consolidated city.

SECTION 39. IC 23-14-33-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7.7. As used in this chapter, "county official" means the elected or appointed official of a county not having a consolidated city who is responsible for**

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1 **administering this chapter for the county after December 31, 2010.**

2 SECTION 40. IC 23-14-63-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies
4 whenever ten (10) or more heads of families:

5 (1) who reside in:

6 (A) a township **or (after December 31, 2010) county not**
7 **having a consolidated city;** or

8 (B) the immediate vicinity of a cemetery owned by a township
9 **or (after December 31, 2010) county not having a**
10 **consolidated city;** and

11 (2) who own lots in and whose dead relatives are buried in a
12 cemetery owned by the township **or (after December 31, 2010)**
13 **county not having a consolidated city;**

14 organize, either by themselves or with others, as a corporation for the
15 burial of the dead and the maintenance of a cemetery.

16 SECTION 41. IC 23-14-63-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The persons
18 described in section 1 of this chapter may file with the township trustee
19 **or (after December 31, 2010) the county official** a petition asking for
20 the conveyance of the cemetery owned by the township **or (after**
21 **December 31, 2010) county not having a consolidated city** to the
22 corporation.

23 (b) The persons filing the petition under subsection (a) must give
24 notice of the filing at least three (3) weeks before the filing in
25 accordance with IC 5-3-1-2 by publishing a notice concerning the
26 petition in a newspaper:

27 (1) that is published in the township; or

28 (2) if there is no newspaper published in the township, in the
29 newspaper published nearest to the township.

30 SECTION 42. IC 23-14-63-4 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The township trustee
32 **or (after December 31, 2010) the county official of a county not**
33 **having a consolidated city,** if satisfied that the petition is signed by a
34 majority of the owners of lots in the cemetery who are residents of the
35 township or of the immediate vicinity of the cemetery, shall convey the
36 cemetery to the corporation formed by the petitioners.

37 SECTION 43. IC 23-14-63-5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) A corporation to
39 which a cemetery is conveyed under section 4 of this chapter:

40 (1) shall control the cemetery;

41 (2) shall ornament, beautify, and improve the cemetery;

42 (3) may purchase additions and sell lots in the cemetery;

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(4) may assess all lots for the care, improvement, and beautification of the cemetery;

(5) may receive and hold in trust gifts, donations, and legacies to be devoted to the purposes referred to in subdivisions (1) through (4); and

(6) may exercise all the powers of a corporation organized under any statute for the purpose of owning, managing, and maintaining cemeteries.

(b) All actions that the corporation takes in accordance with statutes concerning cemeteries before the cemetery is conveyed ~~by the township trustee~~ to the corporation **under section 4 of this chapter** are valid and binding on all parties involved in the actions.

SECTION 44. IC 23-14-64-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies whenever the board of directors of a cemetery association existing under any Indiana statute before March 9, 1939, determines by a majority vote to convey the real estate belonging to the association to the township **or (after December 31, 2010) the county official of a county not having a consolidated city** in which the association's cemetery is located.

SECTION 45. IC 23-14-64-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. As used in this chapter, "county official" means the elected or appointed official of a **county not having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 46. IC 23-14-64-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A township trustee **or (after December 31, 2010) county official** may accept a conveyance of real estate described in section 1 of this chapter. After the conveyance, the township trustee **or (after December 31, 2010) county official** shall maintain the cemetery as a public cemetery.

SECTION 47. IC 23-14-64-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) If a cemetery association that conveys real estate to a township **or (after December 31, 2010) county not having a consolidated city** under this chapter has endowment funds, cash, securities, or other assets, the funds, cash, securities, or other assets shall be paid over to the township trustee **or (after December 31, 2010) county not having a consolidated city** when the real estate owned by the association is conveyed to the township **or (after December 31, 2010) county not having a consolidated city.**

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(b) ~~A township trustee who receives~~ Cash, securities, endowment funds, or other assets **received by the township trustee or (after December 31, 2010) county official** under subsection (a) may use them only:

- (1) to purchase additional land for the cemetery;
- (2) to make permanent improvements to the cemetery; or
- (3) for the upkeep and maintenance of the cemetery.

SECTION 48. IC 23-14-64-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. All expenses incurred by the trustee **or (after December 31, 2010) county not having a consolidated city** in administering this chapter shall be paid out of the ~~township cemetery fund. of the township.~~

SECTION 49. IC 23-14-68-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. **As used in this chapter, "county official" means the elected or appointed official of a county not having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 50. IC 23-14-68-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The trustee of each township **or (after December 31, 2010) the county official** shall locate and maintain all the cemeteries described in section 1(a) of this chapter that are within the township **or (after December 31, 2010) county not having a consolidated city**. However, a cemetery association claiming assistance under this chapter shall furnish a verified statement of assets and liabilities to the township trustee **or (after December 31, 2010) county official**.

SECTION 51. IC 23-14-68-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The township **or (after December 31, 2010) the county in the case of a county not having a consolidated city** shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within the township **or (after December 31, 2010) county**. Funds shall be appropriated under this subsection in the same manner as other ~~township~~ appropriations **of the township or (after December 31, 2010) county not having a consolidated city**.

(b) The township may levy a township cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the township fund may be used.

(c) **After December 31, 2010, a county not having a consolidated**

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city may levy a county cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the county general fund may be used.

SECTION 52. IC 23-14-69-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the following:

(1) A public cemetery that belongs to a township **or (after December 31, 2010) county not having a consolidated city.**

(2) An addition to a public cemetery that belongs to a township **or (after December 31, 2010) county not having a consolidated city.**

SECTION 53. IC 23-14-69-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. This chapter does not apply to the following:

(1) A cemetery that is owned or controlled by a city, a town, or a voluntary association.

(2) A cemetery that is maintained by a township **or (after December 31, 2010) county not having a consolidated city** under IC 23-14-68.

SECTION 54. IC 23-14-69-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. As used in this chapter, "county official" means the elected or appointed official of a county not having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 55. IC 23-14-69-3, AS AMENDED BY P.L.2-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A township trustee **or (after December 31, 2010) the county official** shall care for and maintain each cemetery to which this chapter applies that is located in the township **or (after December 31, 2010) a county not having a consolidated city**, keeping the cemeteries in a respectable condition by:

(1) destroying detrimental plants (as defined in IC 15-16-8-1), noxious weeds, and rank vegetation; and

(2) removing all unsightly accumulations and debris.

SECTION 56. IC 23-14-69-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The township trustee **or (after December 31, 2010) the county official** may accept donations of land suitable for a public cemetery if the township trustee **or (after December 31, 2010) the county official** considers acceptance of the land to be in the best interests of the township **or**

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1 **(after December 31, 2010) county not having a consolidated city.**

2 (b) Donated land shall be:

3 (1) conveyed to the township **or (after December 31, 2010)**
4 **county not having a consolidated city;**

5 (2) set apart by the trustee **or (after December 31, 2010) county**
6 **not having a consolidated city** for a public cemetery; and

7 (3) kept in good condition and repair by the township trustee **or**
8 **(after December 31, 2010) the county official.**

9 SECTION 57. IC 23-14-69-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If:

11 (1) no land suitable for a public cemetery is donated to a
12 township; and

13 (2) if the township legislative body adopts a resolution approving
14 the purchase;

15 the township executive may purchase land for the purpose of
16 establishing a public cemetery.

17 **(b) If no land suitable for a public cemetery is donated to a**
18 **county not having a consolidated city (after December 31, 2010),**
19 **the county executive, with the approval of the county fiscal body,**
20 **may purchase land for the purpose of establishing a public**
21 **cemetery.**

22 ~~(b)~~ (c) When land is purchased and conveyed to the township **or**
23 **(after December 31, 2010) county not having a consolidated city**
24 under subsection (a) **or (b)**, the land must be set apart, kept in repair,
25 and used as provided in section 6 of this chapter.

26 SECTION 58. IC 23-14-69-6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A public cemetery
28 of a township **or (after December 31, 2010) county not having a**
29 **consolidated city** may be used by the inhabitants of the township **or**
30 **(after December 31, 2010) county not having a consolidated city** for
31 the interment of the dead. The township trustee **or (after December**
32 **31, 2010) county official** may prescribe regulations governing the use
33 of the cemetery.

34 SECTION 59. IC 23-14-69-7, AS AMENDED BY P.L.113-2006,
35 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2009]: Sec. 7. (a) When a township **or (after December 31,**
37 **2010) county not having a consolidated city** acquires title to land by
38 donation, purchase, or otherwise for a public cemetery, the trustee of
39 the township **or (after December 31, 2010) county official** shall:

40 (1) lay out the land in lots with streets and walks;

41 (2) plat the land; and

42 (3) record the plat in the office of the recorder of the county.

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(b) For recording a plat under subsection (a), the recorder shall collect the same fees as are allowed for similar recordings.

(c) The lots laid out and platted under subsection (a) must be numbered. A specific part of the lots must be:

(1) set apart; and

(2) designated on the plat;

for a potter's field.

(d) After the plat has been recorded, the township trustee **or (after December 31, 2010) county official** shall appoint:

(1) one (1) disinterested freeholder of the township **or (after**

December 31, 2010) county not having a consolidated city; and

(2) one (1) disinterested appraiser licensed under IC 25-34.1;

who are residents of Indiana to appraise and fix the value of all the lots on the plat, except the part assigned to the potter's field under subsection (c). The appraisal shall be filed with and preserved by the township trustee **or (after December 31, 2010) county official**.

SECTION 60. IC 23-14-69-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The township trustee **or (after December 31, 2010) county official** may sell and convey the lots in a cemetery to which this chapter applies at a private sale to persons who desire to purchase them. The trustee **or (after December 31, 2010) county official** shall not sell a lot under this subsection at less than the value fixed for the lot under section 7 of this chapter.

(b) The proceeds of the sale of lots in a cemetery under subsection (a) shall be used to pay the expenses that the township trustee **or (after December 31, 2010) county official** may incur under this chapter for the cemetery. Any surplus shall be held as a fund for use in keeping the cemetery in repair.

(c) The township trustee **or (after December 31, 2010) county official** shall keep an accurate account of:

(1) the money received by the township trustee **or (after December 31, 2010) county official** for the purpose of keeping the cemetery in repair; and

(2) the sums that the township trustee **or (after December 31, 2010) county official** has paid out, and for which the trustee **or (after December 31, 2010) county official** has taken vouchers.

SECTION 61. IC 23-14-69-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. All expenses incurred by the township trustee **or (after December 31, 2010) county official** for administering this chapter shall be paid out of the ~~township cemetery fund. of the township.~~

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SECTION 62. IC 23-14-70-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "county official" means the elected or appointed official of a county not having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 63. IC 23-14-70-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The county auditor shall distribute the interest accrued on any cemetery fund or funds received under section 1 of this chapter on the last Monday of January of each year to the following person or persons:

(1) The trustee of the township **or (after December 31, 2010) county official** in which an abandoned or unincorporated cemetery is located.

(2) The trustee of the township lying on the east or south of the cemetery if the cemetery is located on a county boundary or a township boundary.

(3) The treasurer of the board of directors of an incorporated cemetery.

SECTION 64. IC 23-14-70-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A township trustee, **(after December 31, 2010) the county official**, or the treasurer of the board of directors of an incorporated cemetery who receives a distribution under section 3 of this chapter shall make a receipt or voucher for any money paid out.

(b) A receipt or voucher made under subsection (a) must state:

(1) the amount paid out;

(2) the purpose for which the money was expended; and

(3) the fund from which the money came.

(c) The receipts and vouchers made under subsection (a) shall be:

(1) filed with the county auditor before January 2 of each year; and

(2) presented to the board of commissioners for examination and approval at the January meeting of the board of commissioners.

SECTION 65. IC 23-14-74-1, AS AMENDED BY P.L.2-2008, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. A corporation, organization, association, or individual that owns and has the control and management of a public cemetery located in a township **or (after December 31, 2010) county not having a consolidated city** shall keep the public cemetery in a respectable condition by destroying detrimental plants (as defined in IC 15-16-8-1), noxious weeds, and rank vegetation.

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SECTION 66. IC 23-14-75-1, AS AMENDED BY P.L.163-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to a city, town, ~~or~~ township, **or (after December 31, 2010) county not having a consolidated city** that:

(1) owns a cemetery that has been in existence for at least thirty (30) years; or

(2) desires to own a public cemetery.

SECTION 67. IC 23-14-75-2, AS AMENDED BY P.L.163-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

(1) the legislative body of the city, ~~or~~ town, **or (after December 31, 2010) county not having a consolidated city**; or

(2) the executive of the township;

has the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

SECTION 68. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, after December 31, 2010, in a county not having a consolidated city, the duties and obligations of a township trustee under this chapter are transferred to the appropriate county official.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township **or (after December 31, 2010) county not having a consolidated city.** If an agent or a tenant of the owner does not reside

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1 in the township **or (after December 31, 2010) county not having a**
 2 **consolidated city**, the notice shall be served by mailing a copy of the
 3 notice to the owner, directed to the owner's last known post office
 4 address.

5 (d) If the owner, agents, or tenants do not proceed to cut and trim
 6 the fences and burn the brush trimmed from the fences or remove any
 7 obstructions or growths within ten (10) days after notice is served, the
 8 township trustee, county highway superintendent, or Indiana
 9 department of transportation shall immediately:

10 (1) cause the fences to be cut and trimmed or obstructions or
 11 growths removed in accordance with this chapter; and

12 (2) burn the brush trimmed from the fences.

13 All expenses incurred under this subsection shall be assessed against
 14 and become a lien upon the land in the same manner as road taxes.

15 (e) The township trustee, county highway superintendent, ~~or~~ Indiana
 16 department of transportation, **or (after December 31, 2010) county**
 17 **official of a county not having a consolidated city** having charge of
 18 the work performed under subsection (d) shall prepare an itemized
 19 statement of the total cost of the work of removing the obstructions or
 20 growths and shall sign and certify the statement to the county auditor
 21 of the county in which the land is located. The county auditor shall
 22 place the statement on the tax duplicates. The county treasurer shall
 23 collect the costs entered on the duplicates at the same time and in the
 24 same manner as road taxes are collected. The treasurer may not issue
 25 a receipt for road taxes unless the costs entered on the duplicates are
 26 paid in full at the same time the road taxes are paid. If the costs are not
 27 paid when due, the costs shall become delinquent, bear the same
 28 interest, be subject to the same penalties, and be collected at the same
 29 time and in the same manner as other unpaid and delinquent taxes.

30 SECTION 69. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. As used in this chapter,**
 33 **"county official" means the official of a county not having a**
 34 **consolidated city responsible for administering this chapter for the**
 35 **county after December 31, 2010.**

36 SECTION 70. IC 32-26-9-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The owner of a
 38 property that:

39 (1) is located outside;

40 (2) abuts; or

41 (3) is adjacent to;

42 the boundary of the corporate limits of a town or city shall separate the

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owner's property from adjoining properties by a partition fence constructed upon the line dividing or separating the properties regardless of when the properties were divided.

(b) Except as otherwise provided in this chapter, and if a division of the partition fence has not been made between the property owners for the building, repairing, or rebuilding of the partition fence:

(1) for a partition fence built along a property line than runs from north to south:

(A) the owner whose property lies to the east of the fence shall build the north half of the fence; and

(B) the owner whose land lies to the west of the fence shall build the south half of the fence; and

(2) for a partition fence built along a property line that runs from east to west:

(A) the owner whose property lies north of the fence shall build the west half of the fence; and

(B) the owner whose property lies to the south of the fence shall build the east half of the fence.

(c) Notwithstanding subsection (b), if either property owner has constructed one-half (1/2) of a partition fence that is not the portion required under subsection (b) and has maintained that portion of the partition fence for a period of not less than five (5) years, the property owner may continue to maintain the portion of the fence.

(d) If a property owner fails to build, rebuild, or repair a partition fence after receiving notice under this chapter, the township trustee of the township in which the property is located **or (after December 31, 2010) the county official in the county in which the property is located** shall build, rebuild, or repair the fence as provided under this chapter.

SECTION 71. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build,

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rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township **or (after December 31, 2010) the county official of the county** in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township **or (after December 31, 2010) the county official of the county** in which the property of the complaining property owner is located of the default under subsection (b), and the trustee **or (after December 31, 2010) the county official** has jurisdiction in the matter.

(d) The township trustee **or (after December 31, 2010) the county official** who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee **or (after December 31, 2010) the county official** shall build or repair the fence. The trustee **or (after December 31, 2010) the county official** may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.
- (2) A straight rail fence four and one-half (4 1/2) feet high.
- (3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee **or (after December 31, 2010) the county official**

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shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee **or (after December 31, 2010) county official** is:

- (1) related to any of the interested property owners; or
- (2) an interested property owner;

~~the trustee of any other township who resides nearest to where the fence is located~~ **another township trustee or (after December 31, 2010) county official** shall act under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The:

- (1) township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township; **or**
- (2) **(after December 31, 2010) county official, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the county;**

who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into

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consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee **or (after December 31, 2010) the county official** shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 72. IC 32-26-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) As soon as the township trustee **or (after December 31, 2010) the county official** has had a fence built, rebuilt, or repaired under this chapter, the trustee **or (after December 31, 2010) the county official** shall make out a certified statement in triplicate of the actual cost incurred by the trustee **or (after December 31, 2010) the county official** in the building, rebuilding, or repairing the fence. One (1) copy must be handed to or mailed to the property owner affected by the work, **one (1) copy must be retained by the county official (in the case of a county not having a consolidated city)**, one (1) copy must be retained by the trustee as a record for the township **(in the case of a county having a consolidated city)**, and one (1) copy must be filed in the auditor's office of the county in which the fence is located and in which the property of the property owner affected by the work is located. At the same time the trustee **or county official** shall also file with the county auditor a claim against the county, for the amount shown in the statement filed with the county auditor.

(b) The county auditor shall:

- (1) examine the claims and statement as other claims are examined; and
- (2) present the claims and statements to the board of county commissioners at the next regular meeting.

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1 Unless there is an apparent error in the statement or claim, the board of
 2 county commissioners shall make allowance, and the county auditor
 3 shall issue a warrant for the amount claimed to the township trustee **or**
 4 **(after December 31, 2010) the county official** submitting the claim
 5 out of the county general fund without an appropriation being made by
 6 the county council.

7 (c) The amount paid out of the county general fund under subsection
 8 **(b) or (after December 31, 2010) incurred by a county not having**
 9 **a consolidated city for the work** shall be:

- 10 (1) placed by the county auditor on the tax duplicate against the
- 11 property of the property owner affected by the work;
- 12 (2) collected as taxes are collected; and
- 13 (3) when collected, paid into the county general fund.

14 SECTION 73. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
 15 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2011]: Sec. 58. IC 15-16-8-4 (Concerning township
 17 trustees, **county officials**, or persons hired by them for the removal of
 18 detrimental plants upon another person's real property).

19 SECTION 74. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2009]: Sec. 17. **(a) This section does not apply to a township in a**
 22 **county having a consolidated city.**

23 **(b) After June 30, 2009, a township may not enter into a**
 24 **contract with a term that extends beyond December 31, 2010,**
 25 **unless the contract has been approved by the fiscal body of the**
 26 **county.**

27 SECTION 75. IC 36-2-2-14.5 IS ADDED TO THE INDIANA
 28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JANUARY 1, 2011]: Sec. 14.5. **(a) The executive, with**
 30 **the approval of the county council, shall appoint an administrator**
 31 **to administer township assistance under IC 12-20 and IC 12-30-4.**
 32 **The administrator is under the supervision of the executive and**
 33 **holds office at the pleasure of the executive.**

34 **(b) If the administrator is absent from the administrator's office**
 35 **due to illness, death, vacation, resignation, or removal, the**
 36 **president of the executive, if any, or a qualified person appointed**
 37 **by the executive shall act as administrator until the administrator**
 38 **returns to the administrator's duties or the executive appoints a**
 39 **new administrator.**

40 SECTION 76. IC 36-2-21 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2009]:

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Chapter 21. County Fire Protection Duties

Sec. 1. This chapter applies only to a county not having a consolidated city.

Sec. 2. After December 31, 2010, the county executive is responsible for providing fire protection in unincorporated areas of the county in a manner authorized by IC 36-8-13.6.

Sec. 3. The county executive may adopt an ordinance to provide for the imposition and collection of fees for ambulance services provided by the county fire department.

SECTION 77. IC 36-5-1-3, AS AMENDED BY P.L.146-2008, SECTION 707, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A petition for incorporation must be accompanied by the following items, to be supplied at the expense of the petitioners:

(1) A survey, certified by a surveyor registered under IC 25-21.5, showing the boundaries of and quantity of land contained in the territory sought to be incorporated.

(2) An enumeration of the territory's residents and landowners and their mailing addresses, completed not more than thirty (30) days before the time of filing of the petition and verified by the persons supplying it.

(3) A statement of the assessed valuation of all real property within the territory, certified by the ~~township assessor of the township in which the territory is located, or the county assessor, if there is no township assessor for the township.~~

(4) A statement of the services to be provided to the residents of the proposed town and the approximate times at which they are to be established.

(5) A statement of the estimated cost of the services to be provided and the proposed tax rate for the town.

(6) The name to be given to the proposed town.

SECTION 78. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.1. Dissolution of Township Government

Sec. 1. This chapter applies only to a county not having a consolidated city.

Sec. 2. The following occur on January 1, 2011:

(1) Each office of township trustee is abolished.

(2) Each township board is abolished.

(3) The functions, duties, and responsibilities of the township trustee are transferred to the county executive, unless

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otherwise expressly provided by statute.

(4) The functions, duties, and responsibilities of the township board are transferred to the county council, unless otherwise expressly provided by statute.

(5) Each office of the township assessor is abolished, and the functions, duties, and responsibilities of the township assessor are transferred to the county assessor.

Sec. 3. (a) On January 1, 2011, all:

(1) assets;

(2) debts;

(3) property rights;

(4) equipment;

(5) records;

(6) personnel (except as otherwise provided by statute); and

(7) contracts;

connected with the operations of a township are transferred to the county.

(b) Notwithstanding subsection (a)(6), the county executive shall specify which township employees that provided fire protection services and emergency services before the dissolution of township government under this chapter become county employees responsible for fire protection services and emergency services.

(c) If, as of December 31, 2010, a township has a local board for the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund, that local board is dissolved on January 1, 2011, and the powers, duties, and responsibilities of the local board under IC 36-8-7 or IC 36-8-8, respectively, are assumed by the county's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the county may adopt an ordinance to adjust the membership of the county's local board to reflect the dissolution of the township's local board.

(d) A county shall levy taxes (within the county's maximum permissible ad valorem property tax levy limit) as necessary to provide for the payment of pension benefits:

(1) to members of the 1937 firefighters' pension fund; and

(2) for which, before the dissolution of township government under this chapter, the local board of a township in the county was responsible.

Sec. 4. (a) Any indebtedness and any lease rental obligation

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1 incurred by a township before January 1, 2011, becomes an
 2 obligation of the county in which the township is located and shall
 3 be assumed, defeased, paid, or refunded by the county. The county
 4 may levy property taxes to pay township indebtedness or lease
 5 rental obligations relating to the acquisition of property for
 6 firefighting or emergency services only in the area of the county in
 7 which the county provides firefighting and emergency services. The
 8 county may levy property taxes throughout the county to pay
 9 township indebtedness or lease rental obligations relating to
 10 purposes other than the acquisition of property for firefighting or
 11 emergency services.

12 (b) Notwithstanding any other law, to assume, defease, pay, or
 13 refund all or a part of the indebtedness or lease rental obligations
 14 described in subsection (a), the county is not required to comply
 15 with any other statutory procedures or approvals that apply when
 16 a unit incurs indebtedness or lease rental obligations.

17 (c) Notwithstanding subsections (a) and (b), a county may not
 18 assume all or a part of the indebtedness described in subsection (a)
 19 that will exceed the limitations on the amount of indebtedness that
 20 the county may incur.

21 (d) The rights of the trustee and the bondholders with respect to
 22 any:

23 (1) indebtedness described in subsection (a); or

24 (2) bond resolution, trust agreement or indenture, security
 25 agreement, purchase agreement, or other undertaking with
 26 respect to indebtedness described in subsection (a);

27 remain the same, although the powers, duties, agreements, and
 28 liabilities of the townships have been transferred to the county, and
 29 the county shall be considered to have assumed all those powers,
 30 duties, agreements, and liabilities.

31 Sec. 5. Beginning January 1, 2011, notwithstanding any other
 32 law to the contrary, the township's distributive share of any state
 33 or local taxes or revenues (other than property taxes) is reduced to
 34 zero (0) and is transferred to the county.

35 Sec. 6. (a) As used in this section:

36 (1) "maximum firefighting levy" means the maximum amount
 37 of ad valorem property taxes that a county may impose in a
 38 calendar year for deposit in the county firefighting fund
 39 established under IC 36-8-13.6-4; and

40 (2) "maximum general levy" means the maximum permissible
 41 ad valorem property tax levy under IC 6-1.1-18.5.

42 (b) The maximum firefighting levy of a county for ad valorem

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property taxes first due and payable in 2011 is the combined maximum ad valorem property tax levy under IC 6-1.1-18.5:

- (1) of all of the townships in the county for the townships' firefighting funds established under IC 36-8-13-4 for taxes first due and payable in 2011 that would have applied if the townships were authorized to impose levies for that year; and
- (2) applicable to areas of the townships that are not in a fire protection district under IC 36-8-11 or a fire protection territory under IC 36-8-19.

(c) The maximum general fund levy of a county for ad valorem property taxes first due and payable in 2011 is the sum of:

- (1) the maximum general fund levy of the county for property taxes first due and payable in 2011 determined without reference to this section; plus
- (2) the combined maximum general fund levies for property taxes first due and payable in 2011 of all of the townships in the county that would have applied if the townships were authorized to impose levies for that year.

(d) The department of local government finance shall determine the amounts of the levies referred to in this section.

Sec. 7. (a) The balance on January 1, 2011, in a debt service fund of a township:

- (1) is transferred to the county in which the township is located; and
- (2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

(b) The balance on January 1, 2011, in a township's cumulative building and equipment fund established under IC 36-8-14-2 for fire protection and related services:

- (1) is transferred to the county in which the township is located; and
- (2) shall be used by the county to pay any indebtedness or lease rentals related to fire protection services due after December 31, 2010.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county cumulative building and equipment fund established under IC 36-8-14-2.

(c) The balance on January 1, 2011, in a township's general

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1 **fund:**

2 (1) is transferred to the county in which the township is
3 located; and

4 (2) shall be deposited in the county general fund.

5 (d) The balance on January 1, 2011, in a township's township
6 assistance fund:

7 (1) is transferred to the county in which the township is
8 located; and

9 (2) shall be deposited in the county township assistance fund.

10 (e) The department of local government finance shall determine
11 the amounts to be transferred under this section.

12 (f) IC 36-1-8-5 does not apply to a balance referred to in this
13 section.

14 SECTION 79. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,
15 SECTION 164, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Subject to subsection (g),
17 before 2009, a township assessor shall be elected under IC 3-10-2-13
18 by the voters of each township:

19 (1) having:

20 (A) a population of more than eight thousand (8,000); or

21 (B) an elected township assessor or the authority to elect a
22 township assessor before January 1, 1979; and

23 (2) in which the number of parcels of real property on January 1,
24 2008, is at least fifteen thousand (15,000).

25 (b) Subject to subsection (g), before 2009, a township assessor shall
26 be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each
27 township:

28 (1) having a population of more than five thousand (5,000) but
29 not more than eight thousand (8,000), if:

30 (A) the legislative body of the township, by resolution,
31 declares that the office of township assessor is necessary; and

32 (B) the resolution is filed with the county election board not
33 later than the first date that a declaration of candidacy may be
34 filed under IC 3-8-2; and

35 (2) in which the number of parcels of real property on January 1,
36 2008, is at least fifteen thousand (15,000).

37 (c) Subject to subsection (g), a township government that is created
38 by merger under IC 36-6-1.5 shall elect only one (1) township assessor
39 under this section. **This subsection expires December 31, 2010.**

40 (d) Subject to subsection (g), after 2008 a township assessor shall
41 be elected under IC 3-10-2-13 only by the voters of each township in
42 which:

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(1) the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000); and

(2) the transfer to the county assessor of the assessment duties prescribed by IC 6-1.1 is disapproved in the referendum under IC 36-2-15.

(e) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(f) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

(g) A person who runs for the office of township assessor in an election after June 30, 2008, is subject to IC 3-8-1-23.6.

(h) After June 30, 2008, the county assessor shall perform the assessment duties prescribed by IC 6-1.1 in a township in which the number of parcels of real property on January 1, 2008, is less than fifteen thousand (15,000).

SECTION 80. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in subsection (b), ~~and section 2-1 of this chapter,~~ a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township. **This subsection expires December 31, 2010.**

(b) The township board in a county containing a consolidated city shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 81. IC 36-6-6-3, AS AMENDED BY P.L.240-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) This subsection applies to townships not included in subsection

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(a) or (c). A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant. **This subsection expires December 31, 2010.**

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant. **This subsection expires December 31, 2010.**

SECTION 82. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Except as provided in subsections (b) and (c), two (2) members of the legislative body constitute a quorum. **This subsection expires December 31, 2010.**

(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie. **This subsection expires December 31, 2010.**

SECTION 83. IC 36-8-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This section also applies to all towns and townships that have full-time, paid police or fire departments **and (after December 31, 2010) counties that have full-time, paid fire departments.** For purposes of this section, the appropriate appointing authority of a town, ~~or~~ township, **or (after December 31, 2010) county** is considered the safety board of a town, ~~or~~ township, **or county.** In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town for police department purposes.

(b) Except as provided in subsection (m), a member of the police or fire department holds office or grade until the member is dismissed or

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demoted by the safety board. Except as provided in subsection (n), a member may be disciplined by demotion, dismissal, reprimand, forfeiture, or suspension upon either:

- (1) conviction in any court of any crime; or
- (2) a finding and decision of the safety board that the member has been or is guilty of any one (1) or more of the following:
 - (A) Neglect of duty.
 - (B) A violation of rules.
 - (C) Neglect or disobedience of orders.
 - (D) Incapacity.
 - (E) Absence without leave.
 - (F) Immoral conduct.
 - (G) Conduct injurious to the public peace or welfare.
 - (H) Conduct unbecoming an officer.
 - (I) Another breach of discipline.

The safety board may not consider the political affiliation of the member in making a decision under this section. If a member is suspended or placed on administrative leave under this subsection, the member is entitled to the member's allowances for insurance benefits to which the member was entitled before being suspended or placed on administrative leave. In addition, the local unit may provide the member's allowances for any other fringe benefits to which the member was entitled before being suspended or placed on administrative leave.

(c) Before a member of a police or fire department may be suspended in excess of five (5) days without pay, demoted, or dismissed, the safety board shall offer the member an opportunity for a hearing. If a member desires a hearing, the member must request the hearing not more than five (5) days after the notice of the suspension, demotion, or dismissal. Written notice shall be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The hearing conducted under this subsection shall be held not more than thirty (30) days after the hearing is requested by the member, unless a later date is mutually agreed upon by the parties. The notice must state:

- (1) the time and place of the hearing;
- (2) the charges against the member;
- (3) the specific conduct that comprises the charges;
- (4) that the member is entitled to be represented by counsel;
- (5) that the member is entitled to call and cross-examine witnesses;
- (6) that the member is entitled to require the production of

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1 evidence; and

2 (7) that the member is entitled to have subpoenas issued, served,
3 and executed in the county where the unit is located.

4 If the corporation counsel or city attorney is a member of the safety
5 board of a city, the counsel or attorney may not participate as a safety
6 board member in a disciplinary hearing concerning a member of either
7 department. The safety board shall determine if a member of the police
8 or fire department who is suspended in excess of five (5) days shall
9 continue to receive the member's salary during the suspension.

10 (d) Upon an investigation into the conduct of a member of the police
11 or fire department, or upon the trial of a charge preferred against a
12 member of either department, the safety board may compel the
13 attendance of witnesses, examine them under oath, and require the
14 production of books, papers, and other evidence at a meeting of the
15 board. For this purpose, the board may issue subpoenas and have them
16 served and executed in any part of the county where the unit is located.
17 If a witness refuses to testify or to produce books or papers in the
18 witness's possession or under the witness's control, IC 36-4-6-21
19 controls to the extent applicable. The proper court may compel
20 compliance with the order by attachment, commitment, or other
21 punishment.

22 (e) The reasons for the suspension, demotion, or dismissal of a
23 member of the police or fire department shall be entered as specific
24 findings of fact upon the records of the safety board. A member who is
25 suspended for a period exceeding five (5) days, demoted, or dismissed
26 may appeal the decision to the circuit or superior court of the county in
27 which the unit is located. However, a member may not appeal any other
28 decision.

29 (f) An appeal under subsection (e) must be taken by filing in court,
30 within thirty (30) days after the date the decision is rendered, a verified
31 complaint stating in concise manner the general nature of the charges
32 against the member, the decision of the safety board, and a demand for
33 the relief asserted by the member. A bond must also be filed that
34 guarantees the appeal will be prosecuted to a final determination and
35 that the plaintiff will pay all costs adjudged against the plaintiff. The
36 bond must be approved as bonds for costs are approved in other cases.
37 The unit must be named as the sole defendant, and the plaintiff shall
38 have a summons issued as in other cases against the unit. Neither the
39 safety board nor the members of it may be made parties defendant to
40 the complaint, but all are bound by service upon the unit and the
41 judgment rendered by the court.

42 (g) In an appeal under subsection (e), no pleading is required by the

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unit to the complaint, but the allegations are considered denied. The unit may file a motion to dismiss the appeal for failure to perfect it within the time and in the manner required by this section. If more than one (1) person was included in the same charges and in the same decision of dismissal by the safety board, then one (1) or more of the persons may join as plaintiffs in the same complaint, but only the persons that appeal from the decision are affected by it. The decision of the safety board is final and conclusive upon all persons not appealing. The decision appealed from is not stayed or affected pending the final determination of the appeal, but remains in effect unless modified or reversed by the final judgment of the court.

(h) A decision of the safety board is considered prima facie correct, and the burden of proof is on the party appealing. All appeals shall be tried by the court. The appeal shall be heard de novo only upon any new issues related to the charges upon which the decision of the safety board was made. The charges are considered to be denied by the accused person. Within ten (10) days after the service of summons, the safety board shall file in court a complete transcript of all papers, entries, and other parts of the record relating to the particular case. Inspection of these documents by the person affected, or by the person's agent, must be permitted by the safety board before the appeal is filed, if requested. Each party may produce evidence relevant to the issues that it desires, and the court shall review the record and decision of the safety board upon appeal.

(i) The court shall make specific findings and state the conclusions of law upon which its decision is made. If the court finds that the decision of the safety board appealed from should in all things be affirmed, its judgment should state that, and judgment for costs shall be rendered against the party appealing. If the court finds that the decision of the safety board appealed from should not be affirmed in all things, then the court shall make a general finding, setting out sufficient facts to show the nature of the proceeding and the court's decision on it. The court shall either:

(1) reverse the decision of the safety board; or

(2) order the decision of the safety board to be modified.

(j) The final judgment of the court may be appealed by either party. Upon the final disposition of the appeal by the courts, the clerk shall certify and file a copy of the final judgment of the court to the safety board, which shall conform its decisions and records to the order and judgment of the court. If the decision is reversed or modified, then the safety board shall pay to the party entitled to it any salary or wages withheld from the party pending the appeal and to which the party is

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entitled under the judgment of the court.

(k) Either party shall be allowed a change of venue from the court or a change of judge in the same manner as such changes are allowed in civil cases. The Indiana Rules of Trial Procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this section.

(l) An appeal takes precedence over other pending litigation and shall be tried and determined by the court as soon as practical.

(m) Except as provided in IC 36-5-2-13, the executive may reduce in grade any member of the police or fire department who holds an upper level policy making position. The reduction in grade may be made without adhering to the requirements of subsections (b) through (l). However, a member may not be reduced in grade to a rank below that which the member held before the member's appointment to the upper level policy making position.

(n) If the member is subject to criminal charges, the board may place the member on administrative leave until the disposition of the criminal charges in the trial court. Any other action by the board is stayed until the disposition of the criminal charges in the trial court. An administrative leave under this subsection may be with or without pay, as determined by the board. If the member is placed on leave without pay, the board, in its discretion, may award back pay if the member is exonerated in the criminal matter.

SECTION 84. IC 36-8-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.1. (a) This section also applies to all towns and townships that have full-time, paid police or fire departments **and, after December 31, 2010, counties that have full-time, paid fire departments.** For purposes of this section, the appropriate appointing authority of a town, ~~or~~ township, **or county** is considered the safety board of ~~a the~~ town, ~~or~~ township, **or county**. In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town.

(b) In addition to the disciplinary powers of the safety board, the chief of the department may, without a hearing, reprimand or suspend without pay a member, including a police radio or signal alarm operator or a fire alarm operator, for a maximum of five (5) working days. For the purposes of this section, eight (8) hours of paid time constitutes one (1) working day. If a chief reprimands a member in writing or suspends a member, the chief shall, within forty-eight (48) hours, notify the board in writing of the action and the reasons for the action. A member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or

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suspension, request in writing that the board review the reprimand or suspension and either uphold or reverse the chief's decision. At its discretion, the board may hold a hearing during this review. If the board holds a hearing, written notice must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under section 4(c) of this chapter. If the decision is reversed, the member who was suspended is entitled to any wages withheld as a result of the suspension.

SECTION 85. IC 36-8-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. Members of the safety board and members of any township, town, or city (including a consolidated city) police department, fire department **(including, after December 31, 2010, a county fire department)**, or volunteer fire department (as defined by IC 36-8-12-2) may:

- (1) be candidates for elective office and serve in that office if elected;
- (2) be appointed to any office and serve in that office if appointed; and
- (3) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which they are candidates.

SECTION 86. IC 36-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter applies to each municipality or township that has a full-time paid police or fire department **and, after December 31, 2010, to each county that has a full-time paid fire department. After December 31, 2010, this chapter does not apply to a township that is located in a county not having a consolidated city, or that is located in a county having a consolidated city but has consolidated the township's fire department under IC 36-3-1-6.1.** A municipality may exercise the power of establishing a merit system for its police or fire department under this chapter or by ordinance adopted under IC 36-1-4-14. **A county may exercise the power of establishing a merit system for the county's fire department under this chapter or by ordinance adopted under IC 36-1-4-14.** A township may exercise the power of establishing a merit system for its fire department under this chapter or by resolution under IC 36-1-4-14. This chapter does not affect merit systems established:

- (1) by ordinance under IC 36-1-4-14, except as provided by subsection (e);

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(2) by resolution under IC 36-1-4-14, except as provided by subsection (f); or

(3) by a prior statute, except as provided by subsection (b).

(b) If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5 (**before their repeal**), it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

(1) be a person of good moral character; and

(2) except for a member of a fire department having a merit system established under IC 19-1-37.5 (**before its repeal**), not be an active member of a police or fire department or agency.

(c) After December 31, 1984, the legislative body also may repeal the ordinance described in subsection (b), but the legislative body shall in the repealing ordinance concurrently establish a new merit system under section 3 of this chapter. (This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend the ordinance under subsection (b).) After the new merit system takes effect, all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

(d) If a city had a merit system for its police or fire department under a prior statute but fails to retain that system under subsection (b), the city legislative body shall, before July 1, 1983, pass an ordinance to establish a new merit system under section 3 of this chapter. If the new merit system is approved as provided by section 4 of this chapter, it takes effect as provided by that section. However, if the new merit system is rejected under section 4 of this chapter, within thirty (30) days the city legislative body shall adopt an ordinance to retain the prior merit system. The prior merit system remains in effect until the new merit system takes effect, after which time all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

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(e) An ordinance adopted under IC 36-1-4-14 to establish a police or fire merit system must include a provision under which the commission, or governing board of the merit system, has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must be a person of good moral character who is not an active member of a police or fire department or agency. If an ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the ordinance must be amended to include this requirement.

(f) This chapter does not prevent a township or other unit that has adopted a merit system under section 3 of this chapter from later amending or deleting any provisions of the merit system contained in this chapter. However, the merit system must include a provision under which the commission has at least one-third (1/3) of its members elected by the active members of the department, as set forth in section 8 of this chapter and a provision that incorporates the requirements of section 6(a) of this chapter. This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend under this subsection.

SECTION 87. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

- (1) is covered by this chapter before a consolidation under IC 36-3-1-6.1; and
- (2) becomes a member of a fire department of a consolidated city

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under IC 36-3-1-6.1;
is covered by this chapter after the effective date of the consolidation,
and the firefighter's service as a member of a fire department of a
consolidated city is considered active service under this chapter.

(e) A firefighter who:

**(1) as of December 31, 2010, is a member of the 1937 fund as
a firefighter with a township fire department, fire protection
territory, or fire protection district within a county; and
(2) after the dissolution of township government under
IC 36-6-1.1 becomes a member of the county fire department;
is covered by this chapter after the firefighter becomes a member
of the county fire department, and the firefighter's service as a
member of a township fire department, fire protection territory, or
fire protection district that was covered under this chapter before
January 1, 2011, is considered active service under this chapter.**

SECTION 88. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2009]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977,
in all municipalities, or who converted their benefits under
IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30,
1977, or who converted their benefits under IC 19-1-36.5-7
(repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and
before July 1, 1996, who is a member of a police department in a
second or third class city on March 31, 1996;
- (4) a park ranger who:
 - (A) completed at least the number of weeks of training at the
Indiana law enforcement academy or a comparable law
enforcement academy in another state that were required at the
time the park ranger attended the Indiana law enforcement
academy or the law enforcement academy in another state;
 - (B) graduated from the Indiana law enforcement academy or
a comparable law enforcement academy in another state; and
 - (C) is employed by the parks department of a city having a
population of more than one hundred twenty thousand
(120,000) but less than one hundred fifty thousand (150,000);
- (5) a full-time fully paid firefighter who is covered by this chapter
before the effective date of consolidation and becomes a member
of the fire department of a consolidated city under IC 36-3-1-6.1,
provided that the firefighter's service as a member of the fire

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department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; **and**

(9) a full-time fully paid firefighter who:

(A) as of December 31, 2010, is a member of the 1977 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and

(B) after the dissolution of township government under IC 36-6-1.1 becomes a member of the county fire department;

except as provided by section 7 of this chapter.

SECTION 89. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) This subdivision does not apply to a township in a county having a consolidated city. For a township that established a 1937 fund for its firefighters, "local board" after December 31, 2010, means the local board of the county.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

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(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) If a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

SECTION 90. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), ~~and~~ (m), **and (n)**:

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

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- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

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shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

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(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) Notwithstanding any other provision of this chapter, a firefighter who:

(1) as of December 31, 2010, is a member of the 1977 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and

(2) after the dissolution of township government under IC 36-6-1.1 becomes a member of the county fire department; is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter. A firefighter described in this subsection is entitled to receive credit for all years of service as a member of the 1977 fund before becoming a member of the county fire department.

~~(m)~~ **(n)** A police officer or firefighter who is a member of the 1977 fund under subsection (k), ~~or~~ (l), **or (m)** may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

SECTION 91. IC 36-8-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A county legislative body may establish fire protection districts for any of the following purposes:

(1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the district.

(2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.

(3) Other purposes or functions related to fire protection and fire prevention.

(b) Any area may be established as a fire protection district, but one (1) part of a district may not be completely separate from another part. A municipality may be included in a district, but only if it consents by ordinance, unless a majority of the freeholders of the municipality have

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petitioned to be included in the district.

(c) Except as provided in subsection (d), the territory of a district may consist of:

- (1) one (1) or more townships and parts of one (1) or more townships in the same county; or
- (2) all of the townships in the same county.

The boundaries of a district need not coincide with those of other political subdivisions.

(d) The territory of a district may consist of a municipality that is located in more than one (1) county.

(e) The dissolution of township government under IC 36-6-1.1 and the transfer of fire protection responsibilities to counties under IC 36-2-21 and IC 36-8-13.6 (effective January 1, 2011) do not:

- (1) terminate or otherwise affect a fire protection district in existence under this chapter as of December 31, 2010; or**
- (2) terminate or otherwise affect the authority of a county legislative body to establish fire protection districts under this chapter.**

SECTION 92. IC 36-8-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) The board:

- (1) has the same powers and duties as a township executive **(before January 1, 2011) or county executive (after December 31, 2010)** with respect to fire protection functions, including those duties and powers prescribed by IC 36-8-13 **(before January 1, 2011), or IC 36-8-13.6 (after December 31, 2010)**, although all cooperative and joint actions permitted by that chapter must be undertaken according to this chapter;
- (2) has the same powers and duties as a township executive **(before January 1, 2011) or county executive (after December 31, 2010)** relative to contracting with volunteer firefighting companies, as prescribed by IC 36-8-12, ~~and~~ IC 36-8-13 **(before January 1, 2011), or IC 36-8-13.6 (after December 31, 2010);**
- (3) shall appoint, fix the compensation, and prescribe the duties of a fiscal officer, secretarial staff, persons performing special and temporary services or providing legal counsel, and other personnel considered necessary for the proper functioning of the district; however, a person appointed as fiscal officer must be bonded by good and sufficient sureties in an amount ordered by the county legislative body to protect the district from financial loss;
- (4) shall exercise general supervision of and make regulations for the administration of the district's affairs;

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- 1 (5) shall prescribe uniform rules pertaining to investigations and
- 2 hearings;
- 3 (6) shall supervise the fiscal affairs and responsibilities of the
- 4 district;
- 5 (7) may delegate to employees of the district the authority to
- 6 perform ministerial acts, except in cases in which final action of
- 7 the board is necessary;
- 8 (8) shall keep accurate and complete records of all departmental
- 9 proceedings, record and file all bonds and contracts, and assume
- 10 responsibility for the custody and preservation of all papers and
- 11 documents of the district;
- 12 (9) shall make an annual report to the executive and the fiscal
- 13 body of the county that at least lists the financial transactions of
- 14 the district and a statement of the progress in accomplishing the
- 15 purposes for which the district has been established;
- 16 (10) shall adopt a seal and certify all official acts;
- 17 (11) may sue and be sued collectively by its legal name ("Board
- 18 of Fire Trustees, _____ Fire Protection District"), with
- 19 service of process made on the chairman of the board, but costs
- 20 may not be taxed against the members individually in an action;
- 21 (12) may invoke any legal, equitable, or special remedy for the
- 22 enforcement of this chapter or of proper action of the board taken
- 23 in a court;
- 24 (13) shall prepare and submit to the fiscal body of the county an
- 25 annual budget for operation and maintenance expenses and for the
- 26 retirement of obligations of the district, subject to review and
- 27 approval by the fiscal body;
- 28 (14) may, if advisable, establish one (1) or more advisory
- 29 committees;
- 30 (15) may enter into agreements with and accept money from a
- 31 federal or state agency and enter into agreements with a
- 32 municipality located within or outside the district, whether or not
- 33 the municipality is a part of the district, for a purpose compatible
- 34 with the purposes for which the district exists and with the
- 35 interests of the municipality;
- 36 (16) may accept gifts of money or other property to be used for
- 37 the purposes for which the district is established;
- 38 (17) may levy taxes at a uniform rate on the real and personal
- 39 property within the district;
- 40 (18) may issue bonds and tax anticipation warrants;
- 41 (19) may incur other debts and liabilities;
- 42 (20) may purchase or rent property;

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(21) may sell services or property that are produced incident to the operations of the district making a fair and reasonable charge for it;

(22) may make contracts or otherwise enter into agreements with public or private persons and federal or state agencies for construction, maintenance, or operations of or in part of the district;

(23) may receive and disburse money; and

(24) may impose a false alarm fee or service charge under IC 36-8-13-4 **or, after December 31, 2010, IC 36-8-13.6-3.**

(b) Powers granted by this chapter may be used only to accomplish the purpose or purposes as stated in the ordinance or resolution establishing the district. However, an act of the board necessary and proper to accomplish the purposes for which the district is established is not invalid because it incidentally accomplishes a purpose other than one for which the district is established.

SECTION 93. IC 36-8-11-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. The department of local government finance, when approving a rate and levy fixed by the board, shall verify that a duplication of tax levies does not exist between a fire protection district and a municipality, ~~or~~ township, **or, after December 31, 2010, county** within the boundaries of the district, so that taxpayers do not bear two (2) levies for the same service, except as provided by section 20 of this chapter.

SECTION 94. IC 36-8-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. This chapter does not require a municipality, ~~or~~ township, **or, after December 31, 2010, county** to disband its fire department unless its legislative body consents by ordinance.

SECTION 95. IC 36-8-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Except as provided in section 10 of this chapter, this chapter applies **as follows:**

(1) Before January 1, 2011, to all units except counties.

(2) After December 31, 2010, to all units except a township that:

(A) is located in a county having a consolidated city; and

(B) has consolidated the township's fire department under IC 36-3-1-6.1.

SECTION 96. IC 36-8-12-13, AS AMENDED BY P.L.127-2009, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) A volunteer fire department may impose a charge on the owner of property, the owner of a vehicle, or a

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1 responsible party (as defined in IC 13-11-2-191(e)) that is involved in
 2 a hazardous material or fuel spill or chemical or hazardous material
 3 related fire (as defined in IC 13-11-2-96(b)):

4 (1) that is responded to by the volunteer fire department; and

5 (2) that members of that volunteer fire department assisted in
 6 extinguishing, containing, or cleaning up.

7 (b) The volunteer fire department shall bill the owner or responsible
 8 party of the vehicle for the total dollar value of the assistance that was
 9 provided, with that value determined by a method that the state fire
 10 marshal shall establish under IC 36-8-12-16. A copy of the fire incident
 11 report to the state fire marshal must accompany the bill. This billing
 12 must take place within thirty (30) days after the assistance was
 13 provided. The owner or responsible party shall remit payment directly
 14 to the governmental unit providing the service. Any money that is
 15 collected under this section may be:

16 (1) deposited in:

17 **(A) before January 1, 2011, the township firefighting fund**
 18 **established in IC 36-8-13-4; or**

19 **(B) after December 31, 2010, the township firefighting fund**
 20 **established under IC 36-8-13-4 (in the case of a township**
 21 **that is located in a county having a consolidated city and**
 22 **that has not consolidated the township's fire department**
 23 **under IC 36-3-1-6.1) or the county firefighting fund**
 24 **established under IC 36-8-13.6-4 (in the case of a county**
 25 **not having a consolidated city);**

26 (2) used to pay principal and interest on a loan made by the
 27 department of homeland security established by IC 10-19-2-1 or
 28 a division of the department for the purchase of new or used
 29 firefighting and other emergency equipment or apparatus; or

30 (3) used for the purchase of equipment, buildings, and property
 31 for firefighting, fire protection, and other emergency services.

32 (c) The volunteer fire department may maintain a civil action to
 33 recover an unpaid charge that is imposed under subsection (a).

34 SECTION 97. IC 36-8-12-16, AS AMENDED BY P.L.3-2008,
 35 SECTION 266, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A volunteer fire department
 37 that provides service within a jurisdiction served by the department
 38 may establish a schedule of charges for the services that the department
 39 provides not to exceed the state fire marshal's recommended schedule
 40 for services. The volunteer fire department or its agent may collect a
 41 service charge according to this schedule from the owner of property
 42 that receives service if the following conditions are met:

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(1) At the following times, the department gives notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the service charge for each service that the department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(2) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(3) The bill for payment of the service charge:

(A) is submitted to the property owner in writing within thirty (30) days after the services are provided; and

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

(b) A volunteer fire department shall use the revenue collected from the fire service charges under this section:

(1) for the purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services;

(2) for deposit:

(A) before January 1, 2011, in the township firefighting fund established under IC 36-8-13-4; or

(B) after December 31, 2010, the township firefighting fund established under IC 36-8-13-4 (in the case of a township that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1) or the county firefighting fund established under IC 36-8-13.6-4 (in the case of a county not having a consolidated city); or

(3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(c) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

(d) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire

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1 protection or emergency services; and

2 (2) charges for services under this section;

3 must submit a report to the legislative body of the political subdivision
4 before April 1 of each year indicating the amount of service charges
5 collected during the previous calendar year and how those funds have
6 been expended.

7 (e) The state fire marshal shall annually prepare and publish a
8 recommended schedule of service charges for fire protection services.

9 (f) The volunteer fire department or its agent may maintain a civil
10 action to recover an unpaid service charge under this section.

11 SECTION 98. IC 36-8-12-17, AS AMENDED BY P.L.107-2007,
12 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]: Sec. 17. (a) If a political subdivision has not imposed
14 its own false alarm fee or service charge, a volunteer fire department
15 that provides service within the jurisdiction may establish a service
16 charge for responding to false alarms. The volunteer fire department
17 may collect the false alarm service charge from the owner of the
18 property if the volunteer fire department dispatches firefighting
19 apparatus or personnel to a building or premises in the ~~township~~
20 **political subdivision** in response to:

21 (1) an alarm caused by improper installation or improper
22 maintenance; or

23 (2) a drill or test, if the fire department is not previously notified
24 that the alarm is a drill or test.

25 However, if the owner of property that constitutes the owner's residence
26 establishes that the alarm is under a maintenance contract with an
27 alarm company and that the alarm company has been notified of the
28 improper installation or maintenance of the alarm, the alarm company
29 is liable for the payment of the fee or service charge.

30 (b) Before establishing a false alarm service charge, the volunteer
31 fire department must provide notice under IC 5-3-1-4(d) in each
32 political subdivision served by the department of the amount of the
33 false alarm service charge. The notice required by this subsection must
34 be given:

35 (1) before the false alarm service charge is initiated; and

36 (2) before a change in the amount of the false alarm service
37 charge.

38 (c) A volunteer fire department may not collect a false alarm service
39 charge from a property owner or alarm company unless the
40 department's bill for payment of the service charge:

41 (1) is submitted to the property owner in writing within thirty (30)
42 days after the false alarm; and

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(2) includes a copy of a fire incident report in the form prescribed by the state fire marshal.

(d) A volunteer fire department shall use the money collected from the false alarm service charge imposed under this section:

(1) for the purchase of equipment, buildings, and property for fire fighting, fire protection, or other emergency services;

(2) for deposit in:

(A) before January 1, 2011, the township firefighting fund established under IC 36-8-13-4; or

(B) after December 31, 2010, the township firefighting fund established under IC 36-8-13-4 (in the case of a township that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1) or the county firefighting fund established under IC 36-8-13.6-4 (in the case of a county not having a consolidated city); or

(3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(e) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the false alarm service charge established under subsection (a) before the service charge is initiated in that political subdivision.

(f) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) imposes a false alarm service charge under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of false alarm charges collected during the previous calendar year and how those funds have been expended.

(g) The volunteer fire department may maintain a civil action to recover unpaid false alarm service charges imposed under this section.

SECTION 99. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to:

(1) all townships before January 1, 2011; and

(2) a township in a county that has a consolidated city after

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December 31, 2010.

However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.

SECTION 100. IC 36-8-13.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 13.6. County Fire Protection and Emergency Services

Sec. 1. This chapter applies after December 31, 2010.

Sec. 2. This chapter does not apply to any of the following:

- (1) A county having a consolidated city.
- (2) A county that has a fire protection district under IC 36-8-11 that includes the total combined area of all the unincorporated area of the county.
- (3) A county that is a participating unit (as defined in IC 36-8-19-2) in a fire protection territory that includes all the unincorporated area of the county.

Sec. 3. (a) The executive of a county, with the approval of the legislative body, may do the following in carrying out the county's responsibility under IC 36-2-21 to provide fire protection services:

- (1) Purchase firefighting and emergency services apparatus and equipment for the county, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the county but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

- (A) A war veteran who has been honorably discharged from the United States armed forces.

- (B) A person whose mother or father was a:

- (i) firefighter of a unit;
- (ii) municipal police officer; or
- (iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

- (2) Contract with a municipality in the county or in a

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contiguous county that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services in the county in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the county or in a contiguous county in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and county in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the county for the use and operation of firefighting apparatus and equipment that has been purchased by the county in order to save the private and public property of the county from destruction by fire, including use of the apparatus and equipment in an adjoining county by the department if the department has made a contract with the executive of the adjoining county to furnish firefighting service within the county.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to counties that provide fire protection or emergency services, or both, under subsection (a)(1) and to municipalities that have all municipal territory completely within a county and do not have a full-time paid fire department. A county may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:

(1) The legislative body of the municipality adopts an ordinance to have the county provide the services without a contract.

(2) The county legislative body passes a resolution approving the county's provision of the services without contracts to the municipality.

In a county providing services to a municipality under this section, the legislative body of either the county or a municipality in the county may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

Sec. 4. (a) For each calendar year after 2010, each county shall establish a county firefighting fund that is to be the exclusive fund used by the county for the payment of costs attributable to providing fire protection or emergency services under the methods

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prescribed in section 3 of this chapter and for no other purposes. The money in the fund may be paid out by the county executive with the consent of the county legislative body.

(b) Each county may levy, for each year, a tax for the county firefighting fund. Other than a county providing fire protection or emergency services, or both, to municipalities in the county under section 3(b) of this chapter, the tax levy is on all taxable real and personal property in the county that is outside the corporate boundaries of municipalities and that is not included in a fire protection territory or fire protection district. Subject to the levy limitations contained in IC 6-1.1-18.5, the county levy is to be in an amount sufficient to pay all costs attributable to fire protection and emergency services that are not paid from other revenues available to the fund. The tax rate and levy shall be established in accordance with the procedures set forth in IC 6-1.1-17.

(c) In addition to the tax levy and service charges received under IC 36-8-12-13 and IC 36-8-12-16, the executive may accept donations to the county for firefighting and other emergency services and shall place the donations in the fund, keeping an accurate record of the sums received. A person may also donate partial payment of any purchase of firefighting or other emergency services equipment made by the county.

(d) If a fire department serving a county dispatches fire apparatus or personnel to a building or premises in the county in response to:

- (1) an alarm caused by improper installation or improper maintenance; or
- (2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test;

the county may impose a fee or service charge upon the owner of the property. However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

(e) The amount of a fee or service charge imposed under subsection (d) shall be determined by the county legislative body. All money received by the county from the fee or service charge must be deposited in the county's firefighting fund.

Sec. 5. (a) This section applies to a county that provides fire protection or emergency services, or both, to a municipality in the

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1 county under section 3(b) of this chapter.

2 (b) With the consent of the county legislative body, the county
3 executive shall pay the expenses for fire protection and emergency
4 services in the county, both inside and outside the corporate
5 boundaries of participating municipalities, from any combination
6 of the following county funds, regardless of when the funds were
7 established:

8 (1) The county firefighting fund under section 4(a) of this
9 chapter.

10 (2) The cumulative building and equipment fund under
11 IC 36-8-14.

12 (3) The debt fund for taxes levied under sections 8 and 9 of
13 this chapter.

14 (c) Subject to the levy limitations contained in IC 6-1.1-18.5, the
15 tax rate and levy for the county firefighting fund, the cumulative
16 building and equipment fund, or the debt fund are to be in an
17 amount sufficient to pay all costs attributable to fire protection or
18 emergency services that are provided to the county and the
19 participating municipalities that are not paid from other available
20 revenues. The tax rate and levy for each fund shall be established
21 in accordance with the procedures set forth in IC 6-1.1-17 and
22 apply both inside and outside the corporate boundaries of
23 participating municipalities.

24 (d) The county executive may accept donations for firefighting
25 and emergency services. The county executive shall place donations
26 in the county firefighting fund. A person may donate partial
27 payment of a purchase of firefighting or emergency services
28 equipment made by the county.

29 Sec. 6. (a) For counties and municipalities that elect to have the
30 county provide fire protection and emergency services under
31 section 3(b) of this chapter, the department of local government
32 finance shall adjust each county's and each municipality's
33 maximum permissible ad valorem property tax levy in the year
34 following the year in which the change is elected, as determined
35 under IC 6-1.1-18.5-3, to reflect the change from providing fire
36 protection under a contract between the municipality and the
37 county to allowing the county to impose a property tax levy on the
38 taxable property located within the corporate boundaries of each
39 municipality. Each municipality's maximum permissible ad
40 valorem property tax levy shall be reduced by the amount of the
41 municipality's property tax levy that was imposed by the
42 municipality to meet the obligations to the county under the fire

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1 protection contract. The county's maximum permissible ad
2 valorem property tax levy shall be increased by the product of:

3 (1) one and five-hundredths (1.05); multiplied by

4 (2) the amount the county received:

5 (A) in the year in which the change is elected; and

6 (B) as fire protection contract payments from all
7 municipalities whose levy is decreased under this section.

8 (b) For purposes of determining a county's or municipality's
9 maximum permissible ad valorem property tax levy under
10 IC 6-1.1-18.5-3 for years following the first year after the year in
11 which the change is elected, a county's or municipality's maximum
12 permissible ad valorem property tax levy is the levy after the
13 adjustment made under subsection (a).

14 Sec. 7. After a sufficient appropriation has been made and
15 approved and is available for the purchase of firefighting
16 apparatus and equipment, including housing, the county executive,
17 with the approval of the county legislative body, may purchase
18 firefighting apparatus and equipment for the county on an
19 installment conditional sale or mortgage contract running for a
20 period not exceeding:

21 (1) six (6) years; or

22 (2) fifteen (15) years for a county that is purchasing the
23 firefighting equipment with funding from the:

24 (A) state or its instrumentalities; or

25 (B) federal government or its instrumentalities.

26 The purchase shall be amortized in equal or approximately equal
27 installments payable on January 1 and July 1 each year.

28 Sec. 8. (a) Subject to section 9 of this chapter, the executive and
29 legislative body, on behalf of the county, also may borrow the
30 necessary money from a financial institution in Indiana to make
31 the purchase on the same terms. The executive and legislative body
32 shall, on behalf of the county, execute and deliver to the institution
33 the negotiable note or bond of the county for the sum borrowed.
34 The note or bond must bear interest, with both principal and
35 interest payable in equal or approximately equal installments on
36 January 1 and July 1 each year over a period not exceeding six (6)
37 years.

38 (b) The first installment of principal and interest on a contract,
39 chattel mortgage, note, or bond is due on the next January 1 or
40 July 1 following the first tax collection for which it is possible for
41 the county to levy a tax. The executive and legislative body shall
42 appropriate and levy a tax each year sufficient to pay the

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obligation according to its terms. An obligation of the county executed under this chapter is a valid and binding obligation of the county, notwithstanding any tax limitation, debt limitation, bonding, borrowing, or other statute to the contrary.

Sec. 9. (a) If the executive and the legislative body determine that money should be borrowed under section 8 of this chapter, not less than ten (10) taxpayers in the county who disagree with the determination may file a petition in the office of the county auditor not more than thirty (30) days after notice of the determination is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the borrowing to be unnecessary or unwise.

(b) The county auditor immediately shall certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a date, time, and place for the hearing of the matter. The hearing shall be held at least five (5) and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing shall be held in the county where the petition arose.

(d) Notice of the hearing shall be given by the department of local government finance to the county and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at the taxpayer's usual place of residence at least five (5) days before the date of the hearing.

(e) A:

(1) taxpayer who signed a petition filed under subsection (a);
or

(2) county against which a petition under subsection (a) is
filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

Sec. 10. (a) All purchases of firefighting apparatus and equipment shall be made in the manner provided by statute for the purchase of county supplies. If the amount involved is sufficient to require notice under statutes for bids in connection with the purchase of apparatus or equipment, the notice must offer all

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1 bidders the opportunity of proposing to sell the apparatus or
 2 equipment to the county upon a conditional sale or mortgage
 3 contract.

4 (b) A bidder proposing to sell on a conditional sale or mortgage
 5 contract shall state in the bidder's bid the proposed interest rate
 6 and terms of the conditional sale or contract, to be considered by
 7 the county executive and legislative body in determining the best
 8 bid received.

9 (c) All bids submitted must specify the cash price at which the
 10 bidder proposes to sell the apparatus or equipment to the county
 11 so that the executive and legislative body may determine whether
 12 it is in the best interest of the county to purchase the apparatus or
 13 equipment on the terms of a conditional sale or mortgage contract
 14 proposed by the bidder or to purchase the apparatus or equipment
 15 for cash if sufficient funds are available or can be raised by
 16 negotiating a loan with a financial institution in accordance with
 17 this section.

18 **Sec. 11. A county having a regularly organized fire department**
 19 **employing full-time firefighters may procure at the county's**
 20 **expense:**

21 (1) an insurance policy for each member of the department
 22 insuring the member against the loss of life or
 23 dismemberment while in the performance of regularly
 24 assigned duties; and

25 (2) group insurance providing supplemental income
 26 protection for a member of the department who has been
 27 injured during the course of employment.

28 The insurance coverage shall be selected with the consent of the
 29 members and is supplemental to other benefits provided the
 30 injured member by law.

31 **Sec. 12. (a) A county shall pay for the care of a full-time, paid**
 32 **firefighter who:**

33 (1) suffers an injury; or

34 (2) contracts an illness;

35 during the performance of the firefighter's duty.

36 (b) The county shall pay for the following expenses incurred by
 37 a firefighter described in subsection (a):

38 (1) Medical and surgical care.

39 (2) Medicines and laboratory, curative, and palliative agents
 40 and means.

41 (3) X-ray, diagnostic, and therapeutic services, including
 42 during the recovery period.

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(4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the county firefighting fund established under section 4 of this chapter.

(d) A county that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The county's cause of action under this subsection is in addition to, and not in place of, the cause of action of the firefighter against the third party.

Sec. 13. Notwithstanding section 4 of this chapter, a county fiscal body may after December 31, 2010, authorize the county executive to borrow a specified sum from a county fund other than the county firefighting fund if the county fiscal body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a county fire department or a volunteer fire department. The county fiscal body shall provide for payment of the debt by imposing a levy to the credit of the fund from which the amount was borrowed under this subsection.

SECTION 101. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Before January 1, 2011, this chapter applies to all units except counties.

(b) After December 31, 2010, this chapter applies to the following units:

(1) A municipality.

(2) A township in a county that has a consolidated city and that has not consolidated its fire department under IC 36-3-1-6.1.

(3) A county that:

(A) does not have a consolidated city;

(B) does not have a fire protection district under IC 36-8-11 that includes the total combined area of all the townships in the county; and

(C) is not a participating unit (as defined in IC 36-8-19-2) in a fire protection territory that includes all of the unincorporated area of the county.

SECTION 102. IC 36-8-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) As used in this section, "emergency medical services" has the meaning set forth in

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1 IC 16-18-2-110.

2 (b) As used in this section, "volunteer fire department" has the
3 meaning set forth in IC 36-8-12-2.

4 (c) The legislative body of a unit or the board of fire trustees of a
5 fire protection district may provide a cumulative building and
6 equipment fund under IC 6-1.1-41 for the following purposes:

7 (1) The:

8 (A) purchase, construction, renovation, or addition to
9 buildings; or

10 (B) purchase of land;

11 used by the fire department or a volunteer fire department serving
12 the unit.

13 (2) The purchase of firefighting equipment for use of the fire
14 department or a volunteer fire department serving the unit,
15 including making the required payments under a lease rental with
16 option to purchase agreement made to acquire the equipment.

17 (3) In a municipality, the purchase of police radio equipment.

18 (4) The:

19 (A) purchase, construction, renovation, or addition to a
20 building;

21 (B) purchase of land; or

22 (C) purchase of equipment;

23 for use of a provider of emergency medical services under
24 IC 16-31-5 to the unit establishing the fund.

25 (d) In addition to the requirements of IC 6-1.1-41, before a
26 cumulative fund may be established by a township fire protection
27 district, the county legislative body which appoints the trustees of the
28 fire protection district must approve the establishment of the fund.

29 **(e) A cumulative building and equipment fund is established**
30 **effective January 1, 2011, in each county referred to in section**
31 **1(b)(3) of this chapter. The adoption and approval provisions of**
32 **IC 6-1.1-41 do not apply to the establishment of the fund under this**
33 **subsection. The tax levy provisions of IC 6-1.1-41 apply to the fund.**

34 SECTION 103. IC 36-8-14-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) To provide for
36 the cumulative building and equipment fund established under this
37 chapter, the legislative body may levy a tax on all taxable property
38 within the taxing district in compliance with IC 6-1.1-41. The tax rate
39 may not exceed three and thirty-three hundredths cents (\$0.0333) on
40 each one hundred dollars (\$100) of assessed valuation of property in
41 the taxing district.

42 (b) As the tax is collected, it shall be deposited in a qualified public

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depository or depositories and held in a special fund to be known as:

(1) the "building or remodeling, firefighting, and police radio equipment fund" in the case of a municipality; or ~~as~~

(2) the "building or remodeling and fire equipment fund" in the case of a township, **a county (after December 31, 2010)**, or a fire protection district.

SECTION 104. IC 36-8-19-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.7. (a) Except as otherwise provided, the dissolution of township government under IC 36-6-1.1 and the transfer of fire protection responsibilities to counties under IC 36-2-21 and IC 36-8-13.6 (effective January 1, 2011) do not terminate or otherwise affect a fire protection territory in existence under this chapter as of December 31, 2010.**

(b) This subsection applies to a county not having a consolidated city. The following apply on and after January 1, 2011, if a township in the county is a participating unit as of December 31, 2010:

(1) The township ceases to be a participating unit.

(2) The county shall become a participating unit and shall assume the powers, duties, rights, responsibilities, and obligations previously held by the township that was a participating unit (including the township's share of any debt issued under this chapter).

(3) The department of local government finance shall make any necessary adjustments to the maximum permissible ad valorem property tax levy for the county firefighting fund to take into account the transfer of powers, duties, rights, responsibilities, and obligations under this subsection.

(c) This subsection applies to a fire protection territory:

(1) that is located in a county not having a consolidated city;

(2) that includes only unincorporated area within a county; and

(3) in which the only participating units are townships located within the county.

A fire protection territory subject to this subsection as of December 31, 2010, is terminated on January 1, 2011, and the county shall assume the responsibilities and obligations previously held by the townships that were participating units (including the townships' share of any debt issued under this chapter). The department of local government finance shall make any necessary adjustments to the maximum permissible ad valorem property tax

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1 **levy for the county firefighting fund to take into account the**
 2 **transfer of responsibilities and obligations under this subsection.**

3 SECTION 105. IC 36-8-19-8, AS AMENDED BY P.L.128-2008,
 4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2009]: Sec. 8. (a) Upon the adoption of identical ordinances
 6 or resolutions, or both, by the participating units under section 6 of this
 7 chapter, the designated provider unit must establish a fire protection
 8 territory fund from which all expenses of operating and maintaining the
 9 fire protection services within the territory, including repairs, fees,
 10 salaries, depreciation on all depreciable assets, rents, supplies,
 11 contingencies, and all other expenses lawfully incurred within the
 12 territory shall be paid. The purposes described in this subsection are the
 13 sole purposes of the fund, and money in the fund may not be used for
 14 any other expenses. Except as allowed in subsections (d) and (e) and
 15 section 8.5 of this chapter, the provider unit is not authorized to transfer
 16 money out of the fund at any time.

17 (b) The fund consists of the following:

18 (1) All receipts from the tax imposed under this section.

19 (2) Any money transferred to the fund by the provider unit as
 20 authorized under subsection (d).

21 (3) Any receipts from a false alarm fee or service charge imposed
 22 by the participating units under IC 36-8-13-4 **or, after December**
 23 **31, 2010, IC 36-8-13.6-3.**

24 (4) Any money transferred to the fund by a participating unit
 25 under section 8.6 of this chapter.

26 (c) The provider unit, with the assistance of each of the other
 27 participating units, shall annually budget the necessary money to meet
 28 the expenses of operation and maintenance of the fire protection
 29 services within the territory, plus a reasonable operating balance, not
 30 to exceed twenty percent (20%) of the budgeted expenses. After
 31 estimating expenses and receipts of money, the provider unit shall
 32 establish the tax levy required to fund the estimated budget. The
 33 amount budgeted under this subsection shall be considered a part of
 34 each of the participating unit's budget.

35 (d) If the amount levied in a particular year is insufficient to cover
 36 the costs incurred in providing fire protection services within the
 37 territory, the provider unit may transfer from available sources to the
 38 fire protection territory fund the money needed to cover those costs. In
 39 this case:

40 (1) the levy in the following year shall be increased by the amount
 41 required to be transferred; and

42 (2) the provider unit is entitled to transfer the amount described

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in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies an identical amount to be transferred.

(f) The tax under this section is not subject to the tax levy limitations imposed on civil taxing units under IC 6-1.1-18.5 for any unit that is a participating unit in a fire protection territory that was established before August 1, 2001.

(g) This subsection applies to a participating unit in a fire protection territory established under ~~IC 36-8-19~~ **this chapter** after July 31, 2001. For purposes of calculating a participating unit's maximum permissible ad valorem property tax levy for the three (3) calendar years in which the participating unit levies a tax to support the territory, the unit's maximum permissible ad valorem property tax levy for the preceding calendar year under IC 6-1.1-18.5-3(a) STEP ONE or IC 6-1.1-18.5-3(b) STEP ONE is increased each year by an amount equal to the difference between the:

(1) amount the unit will have to levy for the ensuing calendar year in order to fund the unit's share of the fire protection territory budget for the operating costs as provided in the ordinance or resolution making the unit a participating unit in the fire protection territory; and

(2) unit's levy for fire protection services for the calendar year that immediately precedes the ensuing calendar year in which the participating unit levies a tax to support the territory.

SECTION 106. IC 36-9-3-5, AS AMENDED BY P.L.70-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest

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1 municipality in each county in the authority;

2 (3) one (1) member appointed by the executive of each second
3 class city in a county in the authority; and

4 (4) one (1) member from any other political subdivision that has
5 public transportation responsibilities in a county in the authority.

6 (b) An authority that includes a consolidated city is under the
7 control of a board consisting of the following:

8 (1) Two (2) members appointed by the executive of the county
9 having the consolidated city.

10 (2) One (1) member appointed by the board of commissioners of
11 the county having the consolidated city.

12 (3) One (1) member appointed by the executive of each other
13 county in the authority.

14 (4) Two (2) members appointed by the governor from a list of at
15 least five (5) names provided by the Indianapolis regional
16 transportation council.

17 (5) One (1) member representing the four (4) largest
18 municipalities in the authority located in a county other than a
19 county containing a consolidated city. The member shall be
20 appointed by the executives of the municipalities acting jointly.

21 (6) One (1) member representing the excluded cities located in a
22 county containing a consolidated city that are members of the
23 authority. The member shall be appointed by the executives of the
24 excluded cities acting jointly.

25 (7) One (1) member of a labor organization representing
26 employees of the authority who provide public transportation
27 services within the geographic jurisdiction of the authority. The
28 labor organization shall appoint the member.

29 (c) An authority that includes a county having a population of more
30 than four hundred thousand (400,000) but less than seven hundred
31 thousand (700,000) is under the control of a board consisting of the
32 following twenty-one (21) members:

33 (1) Three (3) members appointed by the executive of a city with
34 a population of more than ninety thousand (90,000) but less than
35 one hundred five thousand (105,000).

36 (2) Two (2) members appointed by the executive of a city with a
37 population of more than seventy-five thousand (75,000) but less
38 than ninety thousand (90,000).

39 (3) One (1) member jointly appointed by the executives of the
40 following municipalities located within a county having a
41 population of more than four hundred thousand (400,000) but less
42 than seven hundred thousand (700,000):

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- 1 (A) A city with a population of more than five thousand one
 2 hundred thirty-five (5,135) but less than five thousand two
 3 hundred (5,200).
 4 (B) A city with a population of more than thirty-two thousand
 5 (32,000) but less than thirty-two thousand eight hundred
 6 (32,800).
 7 (4) One (1) member who is jointly appointed by the fiscal body of
 8 the following municipalities located within a county with a
 9 population of more than four hundred thousand (400,000) but less
 10 than seven hundred thousand (700,000):
 11 (A) A town with a population of more than fifteen thousand
 12 (15,000) but less than twenty thousand (20,000).
 13 (B) A town with a population of more than twenty-three
 14 thousand (23,000) but less than twenty-four thousand
 15 (24,000).
 16 (C) A town with a population of more than twenty thousand
 17 (20,000) but less than twenty-three thousand (23,000).
 18 (5) One (1) member who is jointly appointed by the fiscal body of
 19 the following municipalities located within a county with a
 20 population of more than four hundred thousand (400,000) but less
 21 than seven hundred thousand (700,000):
 22 (A) A town with a population of more than eight thousand
 23 (8,000) but less than nine thousand (9,000).
 24 (B) A town with a population of more than twenty-four
 25 thousand (24,000) but less than thirty thousand (30,000).
 26 (C) A town with a population of more than twelve thousand
 27 five hundred (12,500) but less than fifteen thousand (15,000).
 28 (6) One (1) member who is jointly appointed by the following
 29 authorities of municipalities located in a county having a
 30 population of more than four hundred thousand (400,000) but less
 31 than seven hundred thousand (700,000):
 32 (A) The executive of a city with a population of more than
 33 nineteen thousand eight hundred (19,800) but less than
 34 twenty-one thousand (21,000).
 35 (B) The fiscal body of a town with a population of more than
 36 nine thousand (9,000) but less than twelve thousand five
 37 hundred (12,500).
 38 (C) The fiscal body of a town with a population of more than
 39 five thousand (5,000) but less than eight thousand (8,000).
 40 (D) The fiscal body of a town with a population of less than
 41 one thousand five hundred (1,500).
 42 (E) The fiscal body of a town with a population of more than

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- 1 two thousand two hundred (2,200) but less than five thousand
 2 (5,000).
 3 (7) One (1) member appointed by the fiscal body of a town with
 4 a population of more than thirty thousand (30,000) located within
 5 a county with a population of more than four hundred thousand
 6 (400,000) but less than seven hundred thousand (700,000).
 7 (8) One (1) member who is jointly appointed by the following
 8 authorities of municipalities that are located within a county with
 9 a population of more than four hundred thousand (400,000) but
 10 less than seven hundred thousand (700,000):
 11 (A) The executive of a city having a population of more than
 12 twenty-five thousand (25,000) but less than twenty-seven
 13 thousand (27,000).
 14 (B) The executive of a city having a population of more than
 15 thirteen thousand nine hundred (13,900) but less than fourteen
 16 thousand two hundred (14,200).
 17 (C) The fiscal body of a town having a population of more
 18 than one thousand five hundred (1,500) but less than two
 19 thousand two hundred (2,200).
 20 (9) Three (3) members appointed by the fiscal body of a county
 21 with a population of more than four hundred thousand (400,000)
 22 but less than seven hundred thousand (700,000).
 23 (10) One (1) member appointed by the county executive of a
 24 county with a population of more than four hundred thousand
 25 (400,000) but less than seven hundred thousand (700,000).
 26 (11) One (1) member of a labor organization representing
 27 employees of the authority who provide public transportation
 28 services within the geographic jurisdiction of the authority. The
 29 labor organization shall appoint the member. If more than one (1)
 30 labor organization represents the employees of the authority, each
 31 organization shall submit one (1) name to the governor, and the
 32 governor shall appoint the member from the list of names
 33 submitted by the organizations.
 34 (12) The executive of a city with a population of more than
 35 twenty-seven thousand four hundred (27,400) but less than
 36 twenty-eight thousand (28,000), located within a county with a
 37 population of more than one hundred forty-five thousand
 38 (145,000) but less than one hundred forty-eight thousand
 39 (148,000), or the executive's designee.
 40 (13) The executive of a city with a population of more than
 41 thirty-three thousand (33,000) but less than thirty-six thousand
 42 (36,000), located within a county with a population of more than

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one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton.

(B) Porter.

(C) Burns Harbor.

(D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision. **This subdivision expires December 31, 2010.**

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.

(B) Morgan Township.

(C) Pleasant Township.

(D) Boone Township.

(E) Union Township.

(F) Porter Township.

(G) Jackson Township.

(H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision. **This subdivision expires December 31, 2010.**

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 107. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies:

(1) before January 1, 2011, to all townships; and

(2) after December 31, 2010, to a township in a county having a consolidated city.

SECTION 108. IC 36-9-27-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) This section applies to a county having a population of more than four hundred

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1 thousand (400,000) but less than seven hundred thousand (700,000).

2 (b) There is established a county drainage advisory committee.

3 **(c) This subsection applies before January 1, 2011.** The executive
4 of each township in the county shall appoint one (1) resident of ~~his~~ **the**
5 **executive's** township to serve on the committee. **Notwithstanding**
6 **subsection (e), the term of a member appointed under this**
7 **subsection serving on December 31, 2010, expires January 1, 2011.**

8 **(d) This subsection applies after December 31, 2010. The**
9 **executive of the county shall appoint one (1) resident of each**
10 **township in the county to serve on the committee.**

11 **(e)** Committee members serve for four (4) year terms. Members may
12 not receive per diem or mileage for service on the committee.

13 ~~(c)~~ **(f)** The county drainage advisory committee shall advise and
14 assist the board in the performance of its powers, duties, and functions.
15 The board or the county legislative body may assign responsibilities to
16 the committee concerning drainage. The committee may select one (1)
17 of its members as chairman and may meet at ~~his~~ **the chairman's** call
18 or at the call of any three (3) of its members.

19 SECTION 109. IC 36-9-28-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) After a project
21 is completed and approved under this chapter, the care, management,
22 control, repair, and maintenance of the project may be placed under the
23 jurisdiction of a board of directors appointed under this section.

24 (b) A petition requesting the appointment of a board of directors for
25 the project may be filed with the clerk of the circuit court. The petition
26 may be signed by:

27 (1) the municipal works board, if all or part of the municipality is
28 located in the area affected by the project;

29 (2) **either:**

30 **(A) before January 1, 2011,** the executive and legislative
31 body of a township, if all or part of the township is located in
32 the area affected by the project; **or**

33 **(B) after December 31, 2010, the executive of a county not**
34 **having a consolidated city;**

35 (3) any twenty-five (25) landowners who reside in a municipality
36 and whose lands are located in the area affected by the
37 improvement; or

38 (4) any twenty-five (25) landowners who do not reside in a
39 municipality and whose lands are located in the area affected by
40 the project.

41 The petition shall be docketed as a pending action, and the court shall
42 fix a time when the petition shall be heard.

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(c) After the petition is filed and docketed, the clerk of the circuit court shall give notice of the hearing by publication in accordance with IC 5-3-1. The notice shall be addressed to all persons who were originally assessed for the construction of the project.

(d) Any person owning land located in the area affected by the project may appear at the hearing and be heard, either in person or by ~~his~~ **the person's** attorney.

(e) If the circuit court determines that a board of directors should be appointed and assessments should be imposed for the care, management, control, repair, and maintenance of the project, the court shall enter a judgment accordingly. If the court enters such a judgment, two (2) members of the board of directors shall be appointed by the county executive and one (1) member of the board of directors shall be appointed by the municipal executive. The three (3) appointed persons must be qualified under section 12 of this chapter.

(f) If the court determines that a board of directors should not be appointed, it shall dismiss the petition.

SECTION 110. IC 36-9-29-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) If a flood control district is established under this chapter, the construction of the flood control works shall be carried out under the control of a flood control board, to be known as "Board of Commissioners, _____ Flood Control District" (designating the name of the city instituting the proceedings for the establishment of the district).

(b) The flood control board consists of:

(1) the members of the works board of the city petitioning for the establishment of the flood control district; ~~and~~

(2) the executive of each town or township included in whole or in part in the district; ~~and~~

(3) after December 31, 2010, in the case of a county not having a consolidated city, a person appointed by the county executive.

(c) Before entering upon ~~his~~ **the commissioner's** duties, each commissioner of the flood control board shall take and subscribe the usual oath of office, and shall file it with the clerk of the circuit court.

(d) If any commissioner of the flood control board fails or refuses to qualify, or after qualifying fails or refuses to take part in the proceedings of the board, then the board, by a majority vote, may petition the circuit court for the appointment of a new commissioner. After a hearing and a showing of cause, the court may remove the offending commissioner. If the court removes a commissioner, the executive of the city shall appoint a new commissioner. The new

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1 commissioner must be a freeholder residing in the part of the district
2 previously represented by the commissioner removed.

3 (e) Each commissioner of a flood control board is entitled to a salary
4 fixed by the board, subject to the approval of the legislative body of the
5 city petitioning for the establishment of the flood control district.

6 (f) Within ten (10) days after the entry of the decree establishing the
7 flood control district, the commissioners of the flood control board
8 shall meet at the office of the works board of the city petitioning for the
9 establishment of the district, and shall organize by electing one (1) of
10 their number president and one (1) vice president. These officers shall
11 perform the duties usually pertaining to their offices, and shall serve for
12 a period of one (1) year or until their successors are elected and
13 qualified. The board shall also appoint a secretary pro tempore to keep
14 the records of the proceedings until the board appoints a permanent
15 secretary. The minutes of the board shall be kept in a permanent minute
16 book, and the first entry in the book must be a copy of the decree
17 establishing the district and fixing its boundaries.

18 (g) A majority of the commissioners of the flood control board
19 constitutes a quorum for the transaction of any business. If the board
20 consists of an even number of commissioners and there is a tie vote on
21 any question, the vote of the president on the question is controlling.

22 (h) The flood control board may:

- 23 (1) sue and be sued;
- 24 (2) exercise the power of eminent domain;
- 25 (3) adopt rules governing the holding of regular meetings, the
26 calling of special meetings, methods of procedure, and similar
27 matters; and
- 28 (4) perform all acts necessary and proper for carrying out the
29 purposes of the flood control district.

30 (i) The office of the flood control board shall be maintained at the
31 office of the works board of the city petitioning for the establishment
32 of the district, or at another place furnished by the city. All records of
33 the board shall be kept at the office and are public records, open to
34 inspection by the public during business hours.

35 (j) A commissioner, appointee, or employee of the flood control
36 board may not have any direct or indirect interest in any contract let by
37 the board, or in the furnishing of supplies or materials to the board.

38 SECTION 111. IC 36-10-7-1 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Subject to**
40 **subsection (b)**, this chapter applies to the townships indicated in each
41 section.

42 **(b) After December 31, 2010, powers and duties related to parks**

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1 **and recreation that are imposed by this chapter on a township in**
 2 **a county that does not have a consolidated city are transferred to**
 3 **the county.**

4 SECTION 112. IC 36-10-7.5-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Before January**
 6 **1, 2011,** this chapter applies to all townships.

7 **(b) After December 31, 2010:**

8 **(1) in a county that does not have a consolidated city, all**
 9 **powers and duties of a township related to parks and**
 10 **recreation are transferred to the county; and**

11 **(2) except as provided in subdivision (1), this chapter applies**
 12 **only to a township located in a county having a consolidated**
 13 **city.**

14 SECTION 113. IC 36-12-1-7.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2009]: Sec. 7.5. **(a) On January 1, 2011, all**
 17 **responsibilities and obligations of a township government with**
 18 **respect to a public library, library district, or provision or receipt**
 19 **of library services by contract are terminated, and the township**
 20 **government's responsibilities and obligations are assumed by the**
 21 **county.**

22 **(b) The dissolution of township government under IC 36-6-1.1**
 23 **does not terminate a public library, library district, or contract for**
 24 **provision or receipt of library services in existence on December**
 25 **31, 2010.**

26 SECTION 114. IC 36-12-2-5, AS ADDED BY P.L.1-2005,
 27 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2011]: Sec. 5. **(a) The legislative body of a municipality,**
 29 **township, county, or part of a county, any of which is not already taxed**
 30 **for public library purposes, that has:**

31 **(1) a population of at least ten thousand (10,000); or**

32 **(2) an assessed valuation that is at least as high as the median of**
 33 **the most recent certified assessed valuation of the ten (10) library**
 34 **taxing districts closest in population to ten thousand (10,000);**

35 **may, by action of the municipal legislative body, in the case of a**
 36 **municipality, or by action of the county legislative body, in the case**
 37 **of a township, county, or part of a county, establish a public library**
 38 **for the residents of the municipality, township, county, or part of the**
 39 **county.**

40 **(b) The establishment of the public library may be initiated either**
 41 **by:**

42 **(1) the legislative body passing a written resolution; or**

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(2) filing a petition with the legislative body that has been signed by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election.

(c) Not later than ten (10) days after a petition is filed under subsection (b)(2), the municipality, ~~township~~, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Not later than ten (10) days after the publication of the petition under subsection (c), a registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality ~~township~~, or county a remonstrance that:

(1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and

(2) states that the registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). An individual who signed the petition, remonstrance, or copy may file the petition, the remonstrance, or a copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the

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1 municipality, township, county, or part of a county where the
 2 public library that is proposed to be established is located shall do
 3 the following:

4 (A) If a name appears more than one (1) time on a petition or
 5 on a remonstrance, the clerk shall strike any duplicates of the
 6 name until the name appears only one (1) time on a petition or
 7 a remonstrance, or both, if the individual signed both a petition
 8 and a remonstrance.

9 (B) Strike the name from either the petition or the
 10 remonstrance of an individual who:

11 (i) signed both the petition and the remonstrance; and

12 (ii) personally, in the clerk's office, makes a voluntary
 13 written and signed request for the clerk to strike the
 14 individual's name from the petition or the remonstrance.

15 (C) Not more than fifteen (15) days after a petition or
 16 remonstrance is filed, certify the number of signatures on the
 17 petition or remonstrance that:

18 (i) are not duplicates; and

19 (ii) represent individuals who are registered voters in the
 20 municipality, township, county, or part of a county where the
 21 public library is proposed to be established, on the day the
 22 individuals signed the petition or remonstrance.

23 (D) Establish a record of the clerk's certification in the clerk's
 24 office and file:

25 (i) the original petition;

26 (ii) the original remonstrance, if any; and

27 (iii) a copy of the clerk's certification;

28 with the legislative body of the municipality ~~township~~, or
 29 county.

30 The clerk of the circuit court may only strike an individual's name
 31 from a petition or remonstrance as set forth in clauses (A) and

32 (B).

33 (f) At the first meeting of the legislative body held at least ten (10)
 34 days after the publication of the petition, the legislative body shall
 35 compare the petition and any remonstrance. Whenever:

36 (1) a remonstrance has not been filed; or

37 (2) a greater number of voters have signed the petition than have
 38 signed the remonstrance against the establishment of the public
 39 library;

40 the legislative body shall establish by written resolution the public
 41 library with a library district coextensive with the boundaries of the
 42 unit, **township**, or part of a county, whichever is applicable.

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(g) The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution not later than five (5) days after the resolution is passed:

(1) with the county recorder in the county where the administrative office of the public library is located; and

(2) with the Indiana state library.

(h) The legislative body shall give notice to the officials who have the power to appoint members of the library board for the new public library under section 9 of this chapter. The officials shall appoint the library board for the new public library under section 9 of this chapter as soon as possible after the officials are notified.

(i) When the number of registered voters who have signed a remonstrance against the establishment of the public library is equal to or greater than the number who have signed the petition in favor of the establishment of the public library, the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 115. IC 36-12-2-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located in one (1) township and includes part or all of only one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member **appointed as follows:**

(A) If the appointment is made before January 1, 2011, the member is appointed by the legislative body of the township in which the library district is located.

(B) If the appointment is made after December 31, 2010, the member:

(i) is appointed by the legislative body of the county; and

(ii) must reside within the township in which the library district is located.

(2) One (1) member appointed by the legislative body of the municipality in which the library district is located.

SECTION 116. IC 36-12-3-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A library board may contract to provide or receive library service from the following municipal corporations:

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(1) Another public library.

(2) Any unit.

(b) After December 31, 2010, a library board may contract with a county to provide library service to a township in the county.

~~(b)~~ **(c)** A contract for library service between a public library and another municipal corporation must outline the:

(1) manner and extent of library service; and

(2) amount of compensation for the extension of library service.

~~(c)~~ **(d)** This subsection does not apply to municipal corporations described in section 8 of this chapter. A municipal corporation receiving library service shall, **or in the case of a township after December 31, 2010, the county shall:**

(1) levy a tax sufficient to meet the amount of compensation agreed upon under the contract; and

(2) expend all funds received under a contract for library services chargeable to the contract.

SECTION 117. IC 36-12-3-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. **(a)** A township may appropriate general revenue sharing funds that the township receives under the federal State and Local Fiscal Assistance Act of 1972, as amended, to a Class 1 public library. ~~Other units have~~ **This subsection expires January 1, 2011.**

(b) A city, town, or county has the authority under IC 36-10-2-4 to aid public libraries through any means available. Any general revenue sharing funds received by a public library shall be deposited in any of the funds outlined in section 11 of this chapter.

SECTION 118. IC 36-12-6-4, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) If a township, ~~or~~ part of a township, **or, after December 31, 2010, the county on behalf of a township or part of a township** is contracting with a library that is extending service through a county contractual library, the township or part of a township, **or, after December 31, 2010, the county on behalf of a township or part of a township:**

(1) shall cease to levy a separate tax for library purposes; and

(2) becomes a part of the county contractual library district.

(b) The tax levy for county contractual library purposes shall then be levied in the township or part of a township that has become part of the county contractual library district.

(c) A township, **or after December 31, 2010, a county on behalf of a township**, that ceases to levy a tax for public library purposes in

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any year becomes a part of the township's county library district or county contractual library district, if either library district exists at the time the township levy is discontinued. The county library or county contractual library tax shall then be levied in the townships.

SECTION 119. IC 36-12-7-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The library board of a library established as an 1899 township library consists of:

(1) **before January 1, 2011**, the school township trustee in the township where the library is located;

(2) **after December 31, 2010, a member appointed by the school board of the school corporation serving the township where the library is located;** and

(3) two (2) residents of the township who are appointed by the board of commissioners of the county where the library is located. Appointments are for a term of four (4) years. Members of the library board serve without compensation.

(b) The library board:

(1) shall control the purchase of books and the management of the library;

(2) shall possess and retain custody of any books remaining in the old township library in the township where the library is located;

(3) may receive donations, bequests, and legacies on behalf of the library; and

(4) may receive copies of all documents of the state available for distribution from the director of the state library.

(c) The 1899 township library is the property of:

(1) the school township **before January 1, 2011; and**

(2) **the school corporation after December 31, 2010.**

The school township trustee, **before January 1, 2011**, is responsible for the safe preservation of the township library. **The school corporation, after December 31, 2010, is responsible for the safe preservation of the township library.**

(d) Two (2) or more adjacent townships may unite to maintain a township library. The library is controlled by either:

(1) a combined library board, which consists of each of the uniting township boards appointed under subsection (a); or

(2) the one (1) township library board appointed under subsection (a) of the uniting townships that receives funding for the operation of the uniting township library.

(e) The legislative body of ~~any~~ **a county that has a** township that contains a library established as an 1899 township library may levy a

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1 tax **in the township** annually of not more than three and thirty-three
 2 hundredths cents (\$0.0333) on each one hundred dollars (\$100) of
 3 taxable property assessed for taxation in the township. If the legislative
 4 body does not levy the tax, a petition signed by at least the number of
 5 registered voters required under IC 3-8-6-3 to place a candidate on the
 6 ballot may be filed with the circuit court clerk, who:

7 (1) shall determine if an adequate number of voters have signed
 8 the petition; and

9 (2) if an adequate number of voters have signed the petition, shall
 10 certify the public question to the county election board under
 11 IC 3-10-9-3. The county election board shall then cause to be
 12 printed on the ballot for the township the following question in
 13 the form prescribed by IC 3-10-9-4: "Shall a ~~township~~ library tax
 14 be levied?".

15 If a majority of the votes cast on the question in subdivision (2) are in
 16 the affirmative, the ~~township trustee~~ **county** shall annually levy a tax
 17 of not less than one and sixty-seven hundredths cents (\$0.0167) and not
 18 more than three and thirty-three hundredths cents (\$0.0333) on each
 19 one hundred dollars (\$100) of taxable property in the township for the
 20 establishment and support of a township library. The township tax shall
 21 be levied, assessed, collected, and paid according to the procedure
 22 outlined in IC 6-1.1.

23 (f) The tax levy under subsection (e) shall be discontinued when the
 24 question of discontinuing the levy has been submitted to a vote
 25 according to the procedure provided in subsection (e) and the majority
 26 of the votes cast on the question is in the negative.

27 (g) If a public library that is open for the use of all the residents of
 28 the township is located in the township, the proceeds of the tax
 29 collected under subsection (e) shall be paid to that public library.

30 (h) In a township outside a city that contains a library:

31 (1) established by private donations of the value of at least ten
 32 thousand dollars (\$10,000), including the real estate and buildings
 33 used for the library; and

34 (2) used for the benefit of all the inhabitants of the township;

35 the ~~township trustee of the township~~ **county legislative body** shall
 36 annually levy and collect not more than two cents (\$0.02) on each one
 37 hundred dollars (\$100) upon the taxable property within the limits of
 38 the township. The money shall be paid to the trustees of the library, to
 39 be applied by the trustees for the purchase of books and the payment of
 40 the maintenance costs for the library. When it becomes necessary to
 41 purchase additional ground for the extension or protection of library
 42 buildings already established by private donation, ~~the trustee, with the~~

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1 ~~consent~~ of the county legislative body may annually levy and collect
 2 not more than one and sixty-seven hundredths cents (\$0.0167) on each
 3 one hundred dollars (\$100) of taxable property of the township for not
 4 more than three (3) years successively, to be expended by the trustees
 5 for the purchase of property and the construction and enlargement of
 6 library buildings.

7 (i) The 1899 township library is free to all the residents of the
 8 township.

9 SECTION 120. IC 36-12-12-4, AS ADDED BY P.L.1-2005,
 10 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2009]: Sec. 4. (a) If the library board passes a resolution under
 12 section 3 of this chapter, not later than ten (10) days after passing the
 13 resolution the board shall transmit a certified copy of the plan to the
 14 appropriate fiscal body or fiscal bodies, whichever applies. The
 15 appropriate fiscal body is determined as follows:

16 (1) If the library district is located entirely within the corporate
 17 boundaries of a municipality, the appropriate fiscal body is the
 18 fiscal body of the municipality.

19 (2) If the library district is not described by subdivision (1) and
 20 the district is located entirely within the boundaries of a township,
 21 the appropriate fiscal body is the fiscal body of the township. **This**
 22 **subdivision expires January 1, 2011.**

23 (3) If the library district is not described by subdivision (1) or (2),
 24 the appropriate fiscal body is the fiscal body of each county in
 25 which the library district is located.

26 (b) The appropriate fiscal body shall hold a public hearing on the
 27 plan not later than thirty (30) days after receiving a certified copy of the
 28 plan and either reject or approve the plan before August 1 of the year
 29 that the plan is received.

30 SECTION 121. THE FOLLOWING ARE REPEALED
 31 [EFFECTIVE JULY 1, 2011]: IC 36-6-1.5; IC 36-6-1.6; IC 36-6-6-2.1;
 32 IC 36-12-1-13; IC 36-12-5-2; IC 36-12-5-3; IC 36-12-5-4.

33 SECTION 122. [EFFECTIVE JULY 1, 2009] (a) **As used in this**
 34 **SECTION, "incumbent township official" refers to an individual**
 35 **elected to office at the November 7, 2006, general election.**

36 (b) **As used in this SECTION, "office" refers to:**

37 (1) the office of township trustee;

38 (2) the office of township board member; or

39 (3) the office of township assessor.

40 (c) **Notwithstanding IC 36-6-1.1, as added by this act, an**
 41 **incumbent township official holding an office that is abolished by**
 42 **this act is entitled to serve in the office through December 31, 2010.**

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1 (d) This SECTION expires July 1, 2011.

2 SECTION 123. [EFFECTIVE JULY 1, 2009] The legislative
3 services agency shall prepare, as directed by the legislative council,
4 legislation for introduction in the 2010 regular session of the
5 general assembly to organize and correct statutes affected by this
6 act, if necessary.

7 SECTION 124. [EFFECTIVE JULY 1, 2009] (a) The definitions
8 in IC 20 apply throughout this SECTION.

9 (b) Before July 1, 2011, a school township that is in existence on
10 July 1, 2009, shall reorganize under IC 20-23. The governing body
11 shall hold public hearings to discuss the methods of reorganization
12 available to the school township and seek testimony from the
13 public, community and business leaders, teachers, administrators,
14 and other school employees concerning the appropriate form for
15 the reorganization.

16 (c) This subsection applies if a governing body does not develop
17 a reorganization plan under IC 20-23 that will be implemented
18 before July 1, 2013. After June 30, 2011, the state board shall
19 develop a reorganization plan for a school township to which this
20 subsection applies and require the governing body to implement
21 the plan.

22 (d) This SECTION expires July 1, 2013.

23 SECTION 125. [EFFECTIVE JULY 1, 2009] (a) Each township
24 assessor whose duties relating to property assessment are
25 transferred to the county assessor under this act shall organize the
26 records of the township assessor's office relating to those duties in
27 a manner prescribed by the department of local government
28 finance and transfer the records to the county assessor in the
29 manner and at the time directed by the department of local
30 government finance. The department of local government finance
31 shall determine a procedure and schedule for the transfer of the
32 records.

33 (b) Each township assessor referred to in subsection (a) and the
34 county assessor shall assist each other and coordinate their efforts
35 to ensure an orderly transfer of all township assessor records to the
36 county assessor and to provide for an uninterrupted and
37 professional transition of the property assessment functions from
38 the township assessor to the county assessor consistent with the
39 directions of the department of local government finance and this
40 act.

41 (c) This SECTION expires January 1, 2012.

42 SECTION 126. [EFFECTIVE JULY 1, 2009] (a) This act does not

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1 affect any assessment, assessment appeal, or other official action
 2 of a township assessor made before the transfer of duties of the
 3 township assessor relating to property assessment. Any assessment,
 4 assessment appeal, or other official action of a township assessor
 5 made by a township assessor within the scope of the township
 6 assessor's official duties under IC 6-1.1 or IC 36-6-5 before the
 7 transfer of duties to the county assessor shall be considered as
 8 having been made by the county assessor.

9 (b) This act does not affect any pending action against, or the
 10 rights of any party that may possess a legal claim against, a
 11 township assessor that is not described in subsection (a).

12 (c) This SECTION expires January 1, 2012.

13 SECTION 127. [EFFECTIVE JULY 1, 2009] (a) This SECTION
 14 applies only to a county not having a consolidated city.

15 (b) The county executive shall propose uniform township
 16 assistance standards for the issuance of county assistance in the
 17 county and the processing of applications for county assistance as
 18 required under IC 12-20-1-5(d)(3), as added by this act, and the
 19 county legislative body shall adopt the standards not later than
 20 December 31, 2010.

21 (c) Any application for township assistance for which the
 22 township has not entered a final decision regarding the grant or
 23 denial of township assistance after the close of business on
 24 December 31, 2010, is transferred to the county and shall be
 25 treated as a new application filed with the county on January 1,
 26 2011. The administrator shall make a decision on the application
 27 in accordance with the uniform standards adopted under
 28 IC 12-20-1-5(d)(3), as added by this act.

29 (d) Any application for township assistance that has been
 30 granted before January 1, 2011, but for which assistance has not
 31 been disbursed by the township, shall be disbursed and
 32 administered by the county in accordance with the township's
 33 grant of township assistance.

34 (e) This SECTION expires January 1, 2013.

35 SECTION 128. An emergency is declared for this act.

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